

TTAB



05-07-2004
U.S. Patent & TMO/TM Mail Rpt Dt. #22

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PIONEER KABUSHIKI KAISHA dba
PIONEER CORPORATION,

Opposer,

vs.

NISSEI SANGYO AMERICA, LTD. n/k/a
HITACHI HIGH TECHNOLOGIES
AMERICA, INC.,

Applicant.

) **Opposition No.: 125,458**

) **Mark: SUPERSCAN ELITE**

) **Serial No.: 76/208230**

) **Published: March 19, 2002**

) **DECLARATION OF ROBERT SKOUSEN**

DECLARATION OF ROBERT SKOUSEN

I, Robert Skousen, certify as follows:

1. I am an attorney licensed to practice law in the State of California. I am a Shareholder in the firm of Skousen & Skousen, Professional Corporation, which represents Opposer Pioneer Corporation ("Pioneer") in this matter. I make this declaration in conjunction with Pioneer's Memorandum of Points and Authorities of opposition to applicant's motion for protective order.

2. I have attached true and correct copies of the following documents:

Exh. "A": Opposer's letter dated April 16, 2004.

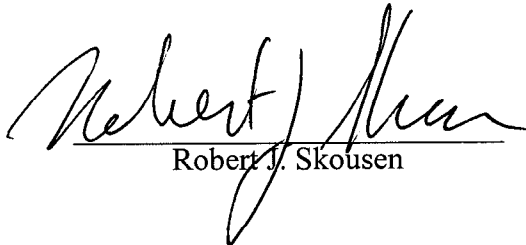
Exh. "B": Applicant's letter dated April 21, 2004

Exh. "C": Applicant's letter dated April 22, 2004

Exh. "D": Opposer's letter dated May 3, 2004

Exh. "E": Documents produced by Applicant in Response to Opposer's Document Requests.

I declare under the penalty of perjury under the laws of the United States that the foregoing statements are true to the best of my knowledge, information, and belief.


Robert J. Skousen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PIONEER KABUSHIKI KAISHA dba PIONEER CORPORATION,	)	Opposition No:	125,458
	)	Name In Dispute:	SuperScan Elite
)		
Opposer,)		
	)	OPPOSER'S OPPOSITION TO MOTION	
v.	)	FOR PROTECTIVE ORDER and	
	)	DECLARATION OF ROBERT SKOUSEN	
NISSEI SANGYO AMERICA, LTD.,	)	[Filed herein under separate cover]	
)		
Applicant.)		
)		
)		
)		
)		



05-07-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Assistant Commissioner For Trademarks
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Arlington, VA 22202-3513

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I hereby certify that the foregoing OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR PROTECTIVE ORDER and DECLARATION OF ROBERT SKOUSEN is being deposited with the United States Postal Service, "Express Mail Post Office To Addressee" service in an envelope, 2900 Crystal Drive, Arlington, VA 22202-3513, on May 7, 2004.

Marlene Barnes

Marlene Barnes

PIONEER'S OPPOSITION TO MOTION FOR PROTECTIVE ORDER

I.

PRELIMINARY STATEMENT

Throughout this proceeding, Applicant has resisted discovery from Opposer Pioneer Corporation ("Pioneer"). The Board has already granted Pioneer's motion to compel the deposition of Michael Levans. Applicant now seeks a protective order to prevent Pioneer from taking the deposition of Applicant's employees Anthony Duda, Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Shigehiko Kobayashi and Mr. Hakai. **[THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003]**

Applicant's motion for a protective order should be denied because it fails to demonstrate "good cause" required to obtain a protective order under applicable trademark and federal discovery law. Pioneer was granted leave to file a amended opposition and should be allowed to conduct discovery regarding those claims. Applicant's motion seeks to prevent Pioneer from conducting discovery that it is entitled to under Trademark Rule 2.120 and Federal Rules of Civil Procedure 26 and 30 in connection with its first amended opposition. Further, Applicant claims that the depositions would be "expensive," "duplicative," and "disruptive." Nonetheless, federal discovery law, which the Board follows, has held that those reasons do not constitute "good cause" for a protective order.

The primary basis for this motion for a protective order is set forth by Applicant's counsel at page 3, paragraph 5 of the moving papers, where he conclusorily states: **[THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED**

JANUARY 31, 2003

]

This is patently inaccurate, as is more fully set forth below. **[THIS SECTION FILED
UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED
JANUARY 31, 2003**

]

It is axiomatic that Mr. Levans cannot personally testify to the thought processes or preparation of the e-mail by Mr. Duda. Equally as axiomatic, are the facts that Mr. Levans cannot personally testify to the thought processes, discussions or communications between Mr. Duda and any of the other witnesses whom Pioneer seeks to depose. This is only one of the issues to be explored with these witnesses. There are certainly other issues as well.

As the Board can see from the history of this case, Pioneer was required to delay its discovery to Applicant, pending the hearing on Pioneer's motion to compel further deposition testimony from Mr. Levans. Now that the Board has ruled in Pioneer's favor on that discovery issue, we are confronted with another of Applicant's attempts to unfairly block Pioneer's rightful discovery efforts. This should not be countenanced by the Board.

Applicant's moving papers fall woefully short of the required showing of "good cause" to support this motion. In fact, the moving papers contain no declarations, affidavits or statements of any kind (from any of the witnesses sought to be deposed) as to the state of their knowledge, lack of knowledge, whether Mr. Levans has any more knowledge than any of the proposed

witnesses or even that they have any familiarity whatsoever with the deposition testimony of Mr. Levans. The factually unsupported argument of counsel does not constitute the "good cause," required by law, to grant applicant's motion. The moving papers do not set forth any evidence to support the granting of this motion or, for that matter, to verify any of the statements made by Applicant's counsel in the moving papers. Applicant's motion should be summarily denied.

II.

FACTUAL AND PROCEDURAL HISTORY

This litigation involves Pioneer Corporation's ("Pioneer") opposition to Hitachi High Technologies America, Inc. ("Applicant" or "HHTA") attempt to register the trademark "SUPERSCAN ELITE" for consumer electronics. Based on specific information produced during the discovery, Pioneer filed a motion to amend the notice of opposition to allege additional allegations of dilution, lack of bona fide intent under 1(b) of the Lanham Act, and abandonment of the prior SUPERSCAN ELITE trademark for computer monitors. On January 13, 2004, the Board granted Pioneer's motion for leave to file an amended opposition. Further, the Board granted Pioneer's motion to compel the deposition of Michael Levans.

Because Pioneer's motion for leave was granted, Pioneer subsequently filed its first amended opposition. Pioneer then propounded its fourth demand for inspection and production of documents. **[THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003]**

(See Exhibit E) .]

A. PIONEER HAS A RIGHT TO DEPOSE ANTHONY DUDA BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HE HAS RELEVANT
INFORMATION

In response to Pioneer's document requests, [THIS SECTION FILED UNDER SEAL
PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003

]

**B. PIONEER HAS A RIGHT TO DEPOSE DENNIS BATTAGLIA BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HE HAS RELEVANT
INFORMATION**

In response to Pioneer's document requests, [THIS SECTION FILED UNDER SEAL
PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003

]

C. PIONEER HAS A RIGHT TO DEPOSE YUJI HIDAKA BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HIS KNOWLEDGE OF
RELEVANT INFORMATION

In response to Pioneer's document requests, [THIS SECTION FILED UNDER SEAL
PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003

] Without the opportunity to depose Mr. Hidaka, Pioneer will not
have the opportunity to ascertain the degree of that participation nor the extent of Applicant's
culpability in this litigation.

[THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED
PROTECTIVE ORDER DATED JANUARY 31, 2003] At this time, Pioneer is unaware of
what further involvement or input Mr. Hidaka provided. Pioneer should be allowed to proceed
with this discovery and not be thwarted by Applicant's efforts to "hide the ball."

D. PIONEER HAS A RIGHT TO DEPOSE MASATSUGU MISU BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HE HAS RELEVANT
INFORMATION

In response to Pioneer's document requests in this litigation, [THIS SECTION FILED
UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED

JANUARY 31, 2003

] Without something more than Applicant counsel's untested and unverified conclusion that Mr. Misu has no knowledge other than that of Mr. Levans (a completely unsupported proposition), Pioneer should not be thwarted in its efforts to undertake relevant and significant discovery which could lead to a resolution of this matter.

**E. PIONEER SHOULD NOT BE PRECLUDED FROM DEPOSING SHIGEHICO
KOBAYASHI SINCE DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE
HIS KNOWLEDGE OF FACTS SUPPORTING PIONEER'S CLAIMS AND
APPLICANT'S CORPORATE CULPABILITY IN THIS MATTER**

In response to Pioneer's document requests, Applicant produced e-mails that identified
**[THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE
ORDER DATED JANUARY 31, 2003**

] Pioneer should be given the opportunity to ascertain the exact nature and extent of Mr. Kobayashi's involvement in this matter, including but not limited to his supervision of Mr. Levans and his involvement in the decision to use the subject mark.

F. PIONEER HAS A RIGHT TO DEPOSE MR. HAKAI BECAUSE DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HIS KNOWLEDGE OF RELEVANT INFORMATION

In response to Pioneer's document requests, Applicant produced a document that identified [THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003

] Pioneer has significant doubts that Mr. Levans would be able to provide any useful or meaningful information regarding the engineering of SUPERSCANELITE marked products. Pioneer should not be left to guess at the extent of the knowledge of Mr. Hakai or whether Mr. Levans has that knowledge or not.

In response to Pioneer's document requests, Applicant produced documents that named

[THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003

(See

Skousen Decl. Exh. "A").] **[THIS SECTION FILED UNDER SEAL PURSUANT TO STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003** *(See Skousen Decl. Exh. "B") (See Skousen Decl. Exh. "C")*] Nonetheless, Applicant failed to respond to Pioneer's attempt to meet-and-confer letter to resolve this discovery dispute. Further, Applicant, failed to respond to Pioneer's May 3, 2004 letter and thus refused to produce Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai for their discovery depositions. *(See Skousen Decl. Exh. "D")*.

III.

ARGUMENT

A. APPLICANT HAS FAILED TO DEMONSTRATE GOOD CAUSE AND THE EXTRAORDINARY CIRCUMSTANCES NECESSARY TO JUSTIFY ITS MOTION FOR PROTECTIVE ORDER BLOCKING LEGITIMATE DISCOVERY DEPOSITIONS

To issue a protective order, the Board requires that the moving party, the Applicant, demonstrate "good cause":

Upon motion by a party from whom discovery is sought, and for good cause, the Trademark Trial and Appeal Board may make any order which justice requires to

protect a party from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the types of orders provided by clauses (1) through (8), inclusive, of Rule 26(c) of the Federal Rules of Civil Procedure. 37 C.F.R. 2.120(f) (West 2004).

The rule requires that good cause be shown for a protective order. In addition, to block the taking of depositions a movant for a protective order, a movant must show extraordinary circumstances. Thus, it is well settled that "[a]bsent a **strong showing of good cause and extraordinary circumstances**, a court should not prohibit altogether the taking of a deposition." *Motsinger v. Flynt*, 119 F.R.D. 373, 378 (D.C.N.C.1988) (emphasis added) (denying plaintiff's motion for protective order barring the taking of his deposition). Even Applicant's own case concedes that "the party seeking a protective order bears the burden to show good cause. To establish good cause, the movant must submit 'a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements.' However, a protective order that prohibits the taking of a deposition altogether is rarely granted in the absence of **extraordinary circumstances**." *FMR Corp. v. Alliant Partners*, 51 U.S.P.Q.2d. 1759, 1761 (T.T.A.B. 1999) (emphasis added).

This puts the burden on the Applicant seeking relief to show some plainly adequate reason therefor. *F.C.C. v. Schreiber*, 329 F.2d 517, 534 (9th Cir. 1964) (dissenting opinion), modified 1965, 85 S.Ct. 1459, 381 U.S. 279, 14 L.Ed.2d 383 ("Under these authorities, a person seeking a protective order in discovery proceedings has the **burden of justifying it**"). See also *Essex Wire Corp. v. Eastern Elec. Sales Co.*, 48 F.R.D. 308, 310 (D.C. Pa.1969).

Courts have insisted on a particular and specific demonstration of fact, as distinguished

from stereotyped and conclusory statements, in order to establish good cause. *See Gulf Oil Co. v. Bernard*, 101 S.Ct. 2193 n. 16, 2201, 452 U.S. 89, 102, 68 L.Ed.2d 693 (1981) (“To establish ‘good cause’ for a protective order under [Federal Rule of Civil Procedure] 26(c), ‘[t]he courts have insisted on a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements...’”).

Further, the existence of good cause for a protective order “is a factual matter to be determined from the nature and character of the information sought by deposition or interrogatory weighed in the balance of the factual issues involved in each action.” *Glick v. McKesson & Robbins, Inc.*, 10 F.R.D. 477, 479 (D.C. Mo. 1950). Therefore, Applicant “will have to come forward with detailed information supporting” its request for a protective order barring the taking of his deposition. *Motsinger v. Flynt*, 119 F.R.D. 373, 378 (D.C.N.C.1988) (emphasis added) (denying plaintiff’s motion for protective order barring the taking of his deposition). For example, Defendant’s objections to relevant discovery requests were insufficient to warrant protective order; defendant alleged in a conclusory manner only that “request is overly-broad, not specific, and creates a hardship on the producing party.” *McLeod, Alexander, Powel & Appfel, P.C. v. Quarles*, 894 F.2d 1482, 1484-5 (5th Cir. 1990).

Further, in *Panola Land Buyers Ass’n v. Shuman*, 762 F.2d 1550, 1559 (11th Cir.1985), one party objected to discovery by stating that the discovery requests were “unnecessary, too long, too broad, require too much time, are expensive to complete, are irrelevant, are improperly timed, and entail unreasonable geographic compliance.” *Id.* With regard to those objections, the court held that “[n]o mention of the Rule 26(b) factors is made in sufficient specificity to allow the magistrate and the district court, absent an abuse of discretion, to grant the motion for a

protective order. The recitation of expense and burdensomeness are merely conclusory." *Id.*

Applicant's moving paper fails to provide any evidence beyond conclusory assertions by its attorneys that the deposition of HHTA employees Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai would result in annoyance, embarrassment, oppression, undue burden, or expense. Applicant argues that because Michael Levans will be deposed by Pioneer, there is no need to depose his subordinate employees, Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Hakai, and Anthony Duda. Nonetheless, Applicant's stated reasons for a protective order are merely conclusory like *Panola*. Hence, Applicant's motion lacks good cause that the Board requires for the issuance of a protective order. Moreover, Applicant's motion is completely bereft of any showing of **extraordinary circumstances**.

Applicant asserts the depositions of the subordinate employees will be "expensive" and "disruptive" to the "operations of the Electronics Products Division." Nonetheless, *FMR Corp. v. Alliant Partners*, which Applicant's motion cites, states

As general rule, a motion for a protective order that a discovery deposition not be had is usually denied when the only grounds advanced are that the deponent is too **busy**, or that the examination would cause **undue labor, expense or delay**.

FMR Corp. v. Alliant Partners, 51 U.S.P.Q.2d, 1759, 1761 (T.T.A.B. 1999). Thus, "disruptive" or "expensive" is not a good cause for granting a motion for protective order. Nevertheless, the moving papers do not even establish any facts that such depositions would be expensive or disruptive. Furthermore, because Applicant admits that the persons sought to be deposed are "subordinates," Pioneer's deposition of each witness should not be disruptive to a large company

like HHTA.

Further, the Court has held that “duplicative” discovery is not good cause for refusing to provide discovery responses:

“General objections, such as the objection that the interrogatories will require the party to conduct research and compile data, or that they are unreasonably burdensome, oppressive, or vexatious,...or that they would cause annoyance, expense, and oppression to the objecting party without serving any purpose relevant to the action, or that they are **duplicative of material already discovered through depositions, or that they are irrelevant and immaterial, or that they call for opinions and conclusions, are insufficient.**”

Apco Oil Corp. v. Certified Transp., Inc., 46 F.R.D. 428, 430 (W.D.Mo., 1969).

Similarly, the Board should reject “duplicative” discovery as “good cause” for issuing a protective order to Applicant.

B. APPLICANT’S MOTION FAILED PROVIDE ANY EVIDENCE THAT MR. KOBAYASHI IS A HIGH-RANKING OFFICER THAT IS WITHIN THE MEANING OF

ALLIANT PARTNERS

Applicant also contends that Pioneer’s deposition of Mr. Kobayashi is harassment. Applicant asserts Mr. Kobayashi is a high-ranking corporate officer that should be excused from the deposition because Mr. Levans has equal or greater knowledge. Nonetheless, Applicant’s motion fails to include any evidence or affidavit required by the Board to evidence Mr. Kobayashi’s high-ranking status and or lack of personal knowledge in this matter. The Board in

Alliant Partners held,

[T]he Board holds that when a party seeks to depose a very high-level official of a large corporation, and that official (or corporation) files a motion for protective order to prohibit the deposition, the movant must demonstrate through an affidavit or other evidence that the official has no direct knowledge of the relevant facts or that there are other persons with equal or greater knowledge of the relevant facts.

Alliant Partners, 51 U.S.P.Q.2d at 1763.

The Board requires Applicant to establish that Mr. Kobayashi is a high-level official of a large corporation that has no direct knowledge of the relevant facts or that there are other persons with equal or greater knowledge of the relevant facts. Applicant's motion lacks the "affidavit" or other "evidence" required by the Board. Clearly, Applicant's motion fails to establish that Mr. Kobayashi is protected from deposition by the *Alliant Partners* rule because Applicant's moving papers do not offer any admissible evidence, other than Applicant's attorneys conclusory statements, that Mr. Levans has equal or greater knowledge than Mr. Kobayashi.

IV.

CONCLUSION

For the foregoing reasons, Applicant's motion should be denied.

Dated: May 7, 2004

Respectfully submitted,

By: 

Attorney for Opposer Pioneer Corporation
Robert J. Skousen
Skousen & Skousen, APC
12400 Wilshire Ave., Ste. 900
Los Angeles, CA 90025
(310) 277-0444

Opposition No. 125,458

Mark: SuperScan Elite

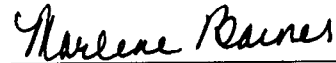
Serial No.: 76/208,230

Published: March 19, 2003

Opposser's Opposition to Applicant's Motion for Protective Order

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR PROTECTIVE ORDER and DECLARATION OF ROBERT SKOUSEN** is being deposited with the United States Postal Service, first class postage prepaid, in an envelope addressed to William T. McGrath, Davis, Mannix & McGrath, 125 South Wacker Drive, Suite 1700, Chicago, Illinois 60606 on May 7, 2004.



Marlene Barnes

SKOUSEN & SKOUSEN
A PROFESSIONAL CORPORATION
SUITE 900
12400 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE (310) 277-0444
TELECOPIER (310) 782-9579

April 16, 2004

Via Facsimile (312) 332-6376 & U.S. Mail

William T. McGrath, Esq.
Davis, Mannix & McGrath
125 South Wacker Drive, Suite 1700
Chicago, Illinois 60606

RE: Pioneer Corp. v. Hitachi High Technologies America, Inc., etc.
TTAB Opposition Number 125,458
Discovery Depositions

Dear Mr. McGrath:

I am responding to your letter which I received today regarding your request for deposition dates for Mr. McManis and Mr. Johnston. In your letter, you suggested May 26, 27, and 28. Unfortunately, those dates conflict with my calender. I will be unavailable between May 24 and May 28 because of other previously scheduled obligations. I am available May 3-7, May 10-14, and May 17-21 for discovery depositions in Chicago.

As you know, those dates will be contingent upon Mr. McManis and Johnston's availability. I have requested Messrs. McManis and Johnston's provide me with their schedules. I have not received a response as of the date of this letter.

During the time I am in Chicago for Messrs. McManis and Johnston's depositions, Pioneer seeks to take the depositions of Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Shigehiko Kobayashi, and Hakai.

William T. McGrath, Esq.

April 15, 2004

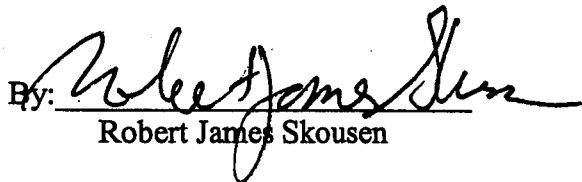
Page 2

Therefore, when you provide me dates for Messrs. McManis and Johnston's depositions, please also provide dates for Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Shigehiko Kobayashi, and Hakai's depositions.

I look forward to your response.

Very Truly Yours,

SKOUSEN & SKOUSEN
A Professional Corporation

By: 
Robert James Skousen

SKOUSEN & SKOUSEN

A Professional Corporation

SUITE 900

12400 WILSHIRE BLVD.

LOS ANGELES, CALIFORNIA 90025-1060

TELEPHONE: (310) 277-0444

TELECOPIER: (310) 782-9579

FACSIMILE TRANSMITTAL

DATE: April 16, 2004

TO: William T. McGrath, Esq.
Davis, Mannix & McGrath

FROM: Robert James Skousen

FAX NO.: (312) 332-6376

RE: Pioneer Corp. v. Hitachi High Technologies America,
Inc., etc.

<input checked="" type="checkbox"/> [X] For your information	<input type="checkbox"/> [] Please contact me
<input type="checkbox"/> [] In accordance with your request	<input type="checkbox"/> [] Please read and advise me how to reply
<input type="checkbox"/> [] Please sign and return by Facsimile	<input type="checkbox"/> [] For your review and comments

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Robert James Skousen
909-383-8582
Apr 16 2004 3:55pm

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Apr 16	3:53pm	Fax Sent	913123326376	1:27	3	OK

DAVIS, MANNIX & McGRATH

ATTORNEYS AT LAW

125 SOUTH WACKER DRIVE

SUITE 1700

CHICAGO, ILLINOIS 60606-4402

(312) 332-3033

WILLIAM T. McGRATH
(312) 332-4748

FAX (312) 332-6376
wmcgrath@dmmlaw.com

April 21, 2004

VIA FACSIMILE 310-782-9579
AND FIRST CLASS MAIL

Robert James Skousen
Skousen & Skousen, P.C.
12400 Wilshire Boulevard
Suite 900
Los Angeles, CA 90025-1060

Re: Pioneer Corp. v. Hitachi High Technologies America, Inc.
Opposition No. 125,458

Dear Mr. Skousen:

With respect to your letter dated April 16, 2004 (not received by me until April 19), the only dates Mr. Levans is available in May is the week of the 24th. Your voicemail to me on April 15 did not indicate that you had a conflict with your calendar on the dates we proposed (May 25-27). Rather, your message stated that you were waiting to hear back from your clients. Your letter, however, states that you have a conflict because of previously scheduled obligations. I would expect that you would have mentioned those previous obligations in your voice message to me.

In any event, if you cannot change those obligations, I suggest we try to schedule Messrs. Levans, McManis and Johnston in early June. I understand that discovery closes on May 30, but my client is willing to agree to allow these depositions to occur in June in light of everyone's busy schedule. No extension of the discovery cut-off or testimony periods will be necessary to accomplish these three depositions.

Your request for depositions of five additional persons from HHTA (we have no idea who Mr. Hakai is) strikes me as harassment. Given the extensive discovery that has already

DAVIS, MANNIX & McGRATH

Letter to Robert Skousen

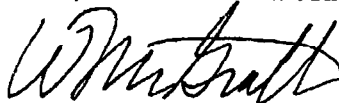
April 21, 2004

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taken place, and given that Mr. Levans will be available for another day of deposition, these additional depositions are duplicative and unwarranted. Accordingly, we have filed a motion for a protective order, a copy of which will be sent to you under separate cover. We ask that you withdraw your request for these or any other depositions of HHTA personnel (other than Mr. Levans), and we in turn will withdraw our motion for a protective order.

Very truly yours,

DAVIS, MANNIX & McGRATH



William T. McGrath

WTM:ph

SKOUSEN & SKOUSEN
A PROFESSIONAL CORPORATION
SUITE 900
12400 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE (310) 277-0444
TELECOPIER (310) 782-9579

April 22, 2004

Via Facsimile (312) 332-6376 & U.S. Mail

William T. McGrath, Esq.
Davis, Mannix & McGrath
125 South Wacker Drive, Suite 1700
Chicago, Illinois 60606

RE: Pioneer Corp. v. Hitachi High Technologies America, Inc., etc.
TTAB Opposition Number 125,458
Discovery Depositions

Dear Mr. McGrath:

I am responding to letter dated April 21, 2004. To accommodate both our schedules, I agree to schedule Messrs. Levans, McManis, and Johnston in early June if Messrs. McManis and Johnston are available.

I disagree that Pioneer's notices of deposition for Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai constitute harassment under Rule 26. All their names appear on documents you produced in connection to our demands for inspection and production. See HHTA's document bearing bates number 22 where Mr. Anthony Duda writes to unnamed individual and provides a carbon copy to Messrs. Dennis Battaglia, Yuji Hidaka, and Masatsugu Misu. That e-mail discusses the SUPERSCAN ELITE mark. See also document bearing bates number 32. Mr. Hakai works in the Engineering department, by the way, and is also mentioned in the documents that you have produced.

Clearly, Messrs. Anthony Duda, Dennis Battaglia, Yuji Hidaka, and Masatsugu Misu have knowledge regarding HHTA's intentions regarding the SUPERSCAN ELITE mark. Thus, I want to take their depositions in early June.

William T. McGrath, Esq.

April 22, 2004

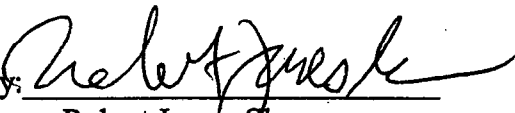
Page 2

Because you represent that Mr. Kobayashi has no additional knowledge regarding the mark beyond what Mr. Levans testified to, and you do not know who Hakai is, I agree to withdraw their notice of depositions as long as the other individuals are produced for their depositions.

I look forward to your response.

Very Truly Yours,

SKOUSEN & SKOUSEN
A Professional Corporation

By: 
Robert James Skousen

SKOUSEN & SKOUSEN

A Professional Corporation
SUITE 900
12400 WILSHIRE BLVD.
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE: (310) 277-0444
TELECOPIER: (310) 782-9579

FACSIMILE TRANSMITTAL

DATE: April 23, 2004

TO: William T. McGrath, Esq.
Davis, Mannix & McGrath

FROM: Robert James Skousen

FAX NO.: 312-332-6376

RE: Pioneer Corp. v. Hitachi High Technologies America,
Inc., etc.

<input checked="" type="checkbox"/> [X] For your information	<input type="checkbox"/> [] Please contact me
<input type="checkbox"/> [] In accordance with your request	<input type="checkbox"/> [] Please read and advise me how to reply
<input type="checkbox"/> [] Please sign and return by Facsimile	<input type="checkbox"/> [] For your review and comments

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Apr 23	3:32pm	Fax Sent	913123326376	1:30	3	OK

SKOUSEN & SKOUSEN
A PROFESSIONAL CORPORATION
SUITE 900
12400 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE (310) 277-0444
TELECOPIER (310) 782-9579

May 3, 2004

Via Facsimile (312) 332-6376 & U.S. Mail

William T. McGrath, Esq.
Davis, Mannix & McGrath
125 South Wacker Drive, Suite 1700
Chicago, Illinois 60606

RE: Pioneer Corp. v. Hitachi High Technologies America, Inc., etc.
TTAB Opposition Number 125,458
Discovery Depositions

Dear Mr. McGrath:

In response to your motion for protective order, I will be opposing your motion because your motion failed to demonstrate good cause for a protective order in light of the documents that applicant produced and the claims identified in Pioneer's first amended opposition.

I assume you will not produce Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai for their discovery depositions which we previously noticed until the motion is decided by the Board. Nonetheless, if you intend to produce Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai for depositions on the dates, times, and locations that Opposer noticed, please contact me in writing no later than May 5, 2004 at 3:00 PST, so that I may make arrangements to travel to Chicago.

Very Truly Yours,

SKOUSEN & SKOUSEN
A Professional Corporation

By


Robert James Skousen

SKOUSEN & SKOUSEN

A Professional Corporation
SUITE 900
12400 WILSHIRE BLVD.
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE: (310) 277-0444
TELECOPIER: (310) 782-9579

FACSIMILE TRANSMITTAL

DATE: May 3, 2004

TO: William McGrath, Esq.
Davis, Mannix & McGrath

FROM: Robert James Skousen

FAX NO.: 312-332-6376

RE: Pioneer Corp. v. Hitachi High Technologies America,
Inc., etc.

<input checked="" type="checkbox"/> [X] For your information	<input type="checkbox"/> [] Please contact me
<input type="checkbox"/> [] In accordance with your request	<input type="checkbox"/> [] Please read and advise me how to reply
<input type="checkbox"/> [] Please sign and return by Facsimile	<input type="checkbox"/> [] For your review and comments

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478

THIS SECTION FILED UNDER SEAL PURSUANT TO
STIPULATED PROTECTIVE ORDER DATED JANUARY 31, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PIONEER KABUSHIKI KAISHA dba PIONEER CORPORATION,	)	Opposition No: 125,458
	)	Name In Dispute: SuperScan Elite
)	
Opposer,)	
	)	OPPOSER'S OPPOSITION TO MOTION
v.	)	FOR PROTECTIVE ORDER and
	)	DECLARATION OF ROBERT SKOUSEN
NISSEI SANGYO AMERICA, LTD.,	)	[Filed herein under separate cover]
)	
Applicant.)	
)	
)	
)	

Assistant Commissioner For Trademarks
Box TTAB
No Fee
2900 Crystal Drive
Arlington, VA 22202-3513

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Mailing Label Number ER977746601 US

I hereby certify that the foregoing OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR PROTECTIVE ORDER and DECLARATION OF ROBERT SKOUSEN is being deposited with the United States Postal Service, "Express Mail Post Office To Addressee" service in an envelope, 2900 Crystal Drive, Arlington, VA 22202-3513, on May 7, 2004.


Marlene Barnes

PIONEER'S OPPOSITION TO MOTION FOR PROTECTIVE ORDER

I.

PRELIMINARY STATEMENT

Throughout this proceeding, Applicant has resisted discovery from Opposer Pioneer Corporation ("Pioneer"). The Board has already granted Pioneer's motion to compel the deposition of Michael Levans. Applicant now seeks a protective order to prevent Pioneer from taking the deposition of Applicant's employees Anthony Duda, Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Shigehiko Kobayashi and Mr. Hakai. All of these men were intimately involved in the decisions regarding creation, use, pricing, marketing and distribution of the subject marks.

Applicant's motion for a protective order should be denied because it fails to demonstrate "good cause" required to obtain a protective order under applicable trademark and federal discovery law. Pioneer was granted leave to file a amended opposition and should be allowed to conduct discovery regarding those claims. Applicant's motion seeks to prevent Pioneer from conducting discovery that it is entitled to under Trademark Rule 2.120 and Federal Rules of Civil Procedure 26 and 30 in connection with its first amended opposition. Further, Applicant claims that the depositions would be "expensive," "duplicative," and "disruptive." Nonetheless, federal discovery law, which the Board follows, has held that those reasons do not constitute "good cause" for a protective order.

The primary basis for this motion for a protective order is set forth by Applicant's counsel at page 3, paragraph 5 of the moving papers, where he conclusorily states: "None of the above named gentlemen would have any pertinent information relating to the adoption or use of the

SUPERSCAN ELITE mark that has not already been testified about by Mr. Levans. Whatever knowledge they have is clearly duplicative of the knowledge of each other and of Mr. Levans”.

This is patently inaccurate, as is more fully set forth below. For example, applicant employee Anthony Duda (one of the witnesses sought to be deposed) authored a highly relevant e-mail which goes to the core of the case (see document stamped Bates number 22). This was sent, not only to Mike Levans, but to Yuji Hidaka, Dennis Battaglia, and Masatsugu Misu. As can be seen from the rest of the attached e-mails, the other witnesses have been involved in an extensive exchange of e-mails, related to the subject marks, as well.

It is axiomatic that Mr. Levans cannot personally testify to the thought processes or preparation of the e-mail by Mr. Duda. Equally as axiomatic, are the facts that Mr. Levans cannot personally testify to the thought processes, discussions or communications between Mr. Duda and any of the other witnesses whom Pioneer seeks to depose. This is only one of the issues to be explored with these witnesses. There are certainly other issues as well.

As the Board can see from the history of this case, Pioneer was required to delay its discovery to Applicant, pending the hearing on Pioneer’s motion to compel further deposition testimony from Mr. Levans. Now that the Board has ruled in Pioneer’s favor on that discovery issue, we are confronted with another of Applicant’s attempts to unfairly block Pioneer’s rightful discovery efforts . This should not be countenanced by the Board.

Applicant’s moving papers fall woefully short of the required showing of “good cause” to support this motion. In fact, the moving papers contain no declarations, affidavits or statements of any kind (from any of the witnesses sought to be deposed) as to the state of their knowledge, lack of knowledge, whether Mr. Levans has any more knowledge than any of the proposed

witnesses or even that they have any familiarity whatsoever with the deposition testimony of Mr. Levans. The factually unsupported argument of counsel does not constitute the “good cause,” required by law, to grant applicant’s motion. The moving papers do not set forth any evidence to support the granting of this motion or, for that matter, to verify any of the statements made by Applicant’s counsel in the moving papers. Applicant’s motion should be summarily denied.

II.

FACTUAL AND PROCEDURAL HISTORY

This litigation involves Pioneer Corporation's (“Pioneer”) opposition to Hitachi High Technologies America, Inc. (“Applicant” or “HHTA”) attempt to register the trademark “SUPERSCAN ELITE” for consumer electronics. Based on specific information produced during the discovery, Pioneer filed a motion to amend the notice of opposition to allege additional allegations of dilution, lack of bona fide intent under 1(b) of the Lanham Act, and abandonment of the prior SUPERSCAN ELITE trademark for computer monitors. On January 13, 2004, the Board granted Pioneer’s motion for leave to file an amended opposition. Further, the Board granted Pioneer’s motion to compel the deposition of Michael Levans.

Because Pioneer’s motion for leave was granted, Pioneer subsequently filed its first amended opposition. Pioneer then propounded its fourth demand for inspection and production of documents. Applicant responded with more than 100 relevant documents that **were not previously produced** and demonstrated its plans to utilize the SUPERSCAN ELITE mark. These documents, in conjunction with earlier produced documents, identify certain HHTA employees who have relevant knowledge regarding the claims identified in Pioneer’s first amended opposition. This is a known fact which is evidenced by virtue of their names appearing

on e-mails discussing the use of SUPERSCAN products (*See Exhibit E*) .

**A. PIONEER HAS A RIGHT TO DEPOSE ANTHONY DUDA BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HE HAS RELEVANT
INFORMATION**

In response to Pioneer's document requests, Applicant produced e-mails that named Mr. Anthony Duda as one of Applicant's employees involved in the SUPERSCAN or SUPERSCAN ELITE mark throughout 2002 to 2004. In fact, Mr. Duda authored a highly relevant e-mail which goes to one of the core issues of the case and identifies other Applicant employees who have knowledge of this core issue (Applicant's Document stamped Bates Number 22, 211, 402-405, 443-446). Mr. Duda, a sales and marketing manager in its Electronics Products Division (based on Applicant's Document stamped Bates Number 32) was involved with planning the use of the SUPERSCAN ELITE mark and has knowledge of facts relevant to Pioneer's claims.

Specifically, an e-mail dated November 22, 2002, from HHTA employee Anthony Duda to a list of executives including Mike Levans, states, "the brand would be possibly Superscan or possibly Superscan Elite." (See Document stamped Bates Number 22). Clearly, Mr. Duda, a manager at HHTA, was intimately involved in the development of the mark. Moreover, Mr. Duda's involvement continued in 2003 and 2004. For example, in e-mails from September and October 2003, Mr. Duda was heavily involved in sales and marketing activity involving SUPERSCAN and SUPERSCAN ELITE marks.

On Feb 27, 2004, Mr. Antony Duda sent an e-mail that discussed the SUPERSCAN ELITE mark and enclosed two computer files entitled "SUPERSCAN.JPG" and

“SUPERSCAN ELITE.JPG” to Mr. Levans. Additionally, in 2004 Mr. Duda hired an outside marketing and graphic designer to design the SUPERSCAN ELITE mark, which is the subject of this opposition. There are numerous other documents that demonstrate that Mr. Duda was involved in developing and planning the use of the subject mark. Based on documents which applicant produced, it is clear that Mr. Duda has relevant and independent knowledge subject to discovery.

**B. PIONEER HAS A RIGHT TO DEPOSE DENNIS BATTAGLIA BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HE HAS RELEVANT
INFORMATION**

In response to Pioneer’s document requests, Applicant produced e-mails that IDENTIFIED proposed deponent Dennis Battaglia as being heavily involved in the SUPERSCAN or SUPERSCAN ELITE mark throughout 2002, 2003, and 2004. (Applicant’s Document stamped Bates Number 13, 193-195, 345-6, 422, 445-454). Mr. Battaglia, Applicant’s home electronics product manager, participated in planning the use of the SUPERSCAN ELITE mark and, thereby, has knowledge of facts relevant to Pioneer’s claims and proof thereof. Mr. Battaglia received e-mails that discussed the pricing and marketing of SUPERSCAN products and sought his input. Additionally, he was involved and participated in the preparation and design of the SUPERSCAN ELITE logo. It is clear, based upon documents which applicant produced, that Mr. Battaglia has relevant and important knowledge which bear on issues, central to this case.

**C. PIONEER HAS A RIGHT TO DEPOSE YUJI HIDAKA BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HIS KNOWLEDGE OF
RELEVANT INFORMATION**

In response to Pioneer's document requests, Applicant produced e-mails that named Mr. Yuji Hidaka as involved in the SUPERSCAN or SUPERSCAN ELITE mark throughout 2002, 2003, and 2004. (Applicant's Document stamped Bates Number 16-21, 105-106, 117, 121, 127-131, 193, 198-200, 207-209, 251-255, 345-6, 402-405, 422, 445-454, among others). Mr. Hidaka, Applicant's deputy general manager in the Electronics Products Division, participated with planning the use of the SUPERSCAN ELITE mark and has knowledge of facts relevant to Pioneer's claims. Without the opportunity to depose Mr. Hidaka, Pioneer will not have the opportunity to ascertain the degree of that participation nor the extent of Applicant's culpability in this litigation.

Mr. Hidaka received e-mails that discussed the pricing, marketing, and distribution of SUPERSCAN products among Applicant's national accounts. At this time, Pioneer is unaware of what further involvement or input Mr. Hidaka provided. Pioneer should be allowed to proceed with this discovery and not be thwarted by Applicant's efforts to "hide the ball."

**D. PIONEER HAS A RIGHT TO DEPOSE MASATSUGU MISU BECAUSE
DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HE HAS RELEVANT
INFORMATION**

In response to Pioneer's document requests in this litigation, Applicant produced e-mails that identified Mr. Masatsugu Misu as a participant in the SUPERSCAN or SUPERSCAN

ELITE mark throughout, 2003 and 2004. (Applicant's Document stamped Bates Number 196-200, 202-205, 248-249, 251-252, 265-271, 402-405, 445-446). Mr. Misu, Applicant's sales manager in its Electronics Products Division (based on Applicant's Document stamped Bates Number 32) was involved with planning the use of the SUPERSCAN ELITE mark and has knowledge of facts regarding that use. Mr. Misu received e-mails that discussed the pricing, marketing, and distribution of SUPERSCAN products among Applicant's national accounts. As the sales manager of the electronic products division, it certainly does not stretch the imagination greatly to conclude that Mr. Misu would have knowledge, not only of the plans for pricing and distribution but of the marketing plans and potential use of the subject mark involved in this case. Without something more than Applicant counsel's untested and unverified conclusion that Mr. Misu has no knowledge other than that of Mr. Levans (a completely unsupported proposition), Pioneer should not be thwarted in its efforts to undertake relevant and significant discovery which could lead to a resolution of this matter.

E. PIONEER SHOULD NOT BE PRECLUDED FROM DEPOSING SHIGEHIKO KOBAYASHI SINCE DOCUMENTS PRODUCED BY APPLICANT DEMONSTRATE HIS KNOWLEDGE OF FACTS SUPPORTING PIONEER'S CLAIMS AND APPLICANT'S CORPORATE CULPABILITY IN THIS MATTER

In response to Pioneer's document requests, Applicant produced e-mails that identified Mr. Shigehiko Kobayashi as an involved participant in the SUPERSCAN or SUPERSCAN ELITE mark throughout 2003 and 2004. (Applicant's Document stamped Bates Number 11-12, 129, and 386). Mr. Kobayashi, Applicant's senior vice president of the Electronic Products

Division, was involved in planning the use of the SUPERSCAN ELITE mark and has knowledge of facts relevant to Pioneer's claims. In fact, as a senior corporate officer, he presumably would have authority over Mr. Levans to veto or authorize the use of the subject mark - a factor which goes to the heart of the case. Mr. Kobayashi received e-mails that discussed the pricing, marketing, and distribution of SUPERSCAN products among Applicant's national accounts. Pioneer should be given the opportunity to ascertain the exact nature and extent of Mr. Kobayashi's involvement in this matter, including but not limited to his supervision of Mr. Levans and his involvement in the decision to use the subject mark.

**F. PIONEER HAS A RIGHT TO DEPOSE MR. HAKAI BECAUSE DOCUMENTS
PRODUCED BY APPLICANT DEMONSTRATE HIS KNOWLEDGE OF RELEVANT
INFORMATION**

In response to Pioneer's document requests, Applicant produced a document that identified Mr. Hakai as an engineering manager in Applicant's electronics products division. (Applicant's Document stamped Bates Number 32). Mr. Hakai undoubtedly has knowledge and information regarding the design and engineering of SUPERSCAN ELITE marked products- facts which are highly significant in the determination of the outcome of this litigation. Pioneer has significant doubts that Mr. Levans would be able to provide any useful or meaningful information regarding the engineering of SUPERSCAN ELITE marked products. Pioneer should not be left to guess at the extent of the knowledge of Mr. Hakai or whether Mr. Levans has that knowledge or not.

In response to Pioneer's document requests, Applicant produced documents that named

HHTA employees Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai as people involved with the SUPERSCAN ELITE mark. Pioneer subsequently notified Applicant's counsel that it sought to depose HHTA employees Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai. (*See* Skousen Decl. Exh. "A"). In response, Applicant's counsel claimed in a letter that the above depositions constitute harassment (*See* Skousen Decl. Exh. "B"). Further, Applicant filed the instant motion. To resolve this motion informally, Pioneer offered to withdraw the depositions of Messrs. Hakai and Kobayashi if Applicant would produce the remaining individuals for deposition. (*See* Skousen Decl. Exh. "C"). Nonetheless, Applicant failed to respond to Pioneer's attempt to meet-and-confer letter to resolve this discovery dispute. Further, Applicant, failed to respond to Pioneer's May 3, 2004 letter and thus refused to produce Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai for their discovery depositions. (*See* Skousen Decl. Exh. "D").

III.

ARGUMENT

A. APPLICANT HAS FAILED TO DEMONSTRATE GOOD CAUSE AND THE EXTRAORDINARY CIRCUMSTANCES NECESSARY TO JUSTIFY ITS MOTION FOR PROTECTIVE ORDER BLOCKING LEGITIMATE DISCOVERY DEPOSITIONS

To issue a protective order, the Board requires that the moving party, the Applicant, demonstrate "good cause":

Upon motion by a party from whom discovery is sought, and for good cause, the Trademark Trial and Appeal Board may make any order which justice requires to

protect a party from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the types of orders provided by clauses (1) through (8), inclusive, of Rule 26(c) of the Federal Rules of Civil Procedure.

37 C.F.R. 2.120(f) (West 2004).

The rule requires that good cause be shown for a protective order. In addition, to block the taking of depositions, a movant must show extraordinary circumstances. Thus, it is well settled that "[a]bsent a **strong** showing of **good cause and extraordinary circumstances**, a court should not prohibit altogether the taking of a deposition." *Motsinger v. Flynt*, 119 F.R.D. 373, 378 (D.C.N.C.1988) (emphasis added) (denying plaintiff's motion for protective order barring the taking of his deposition). Even Applicant's own case concedes that "the party seeking a protective order bears the burden to show good cause. To establish good cause, the movant must submit 'a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements.' However, a protective order that prohibits the taking of a deposition altogether is rarely granted in the absence of **extraordinary circumstances**." *FMR Corp. v. Alliant Partners*, 51 U.S.P.Q.2d. 1759, 1761 (T.T.A.B. 1999) (emphasis added).

This puts the burden on the Applicant seeking relief to show some plainly adequate reason therefor. *F.C.C. v. Schreiber*, 329 F.2d 517, 534 (9th Cir. 1964) (dissenting opinion), modified 1965, 85 S.Ct. 1459, 381 U.S. 279, 14 L.Ed.2d 383 ("Under these authorities, a person seeking a protective order in discovery proceedings has the **burden of justifying it**"). See also *Essex Wire Corp. v. Eastern Elec. Sales Co.*, 48 F.R.D. 308, 310 (D.C. Pa.1969).

Courts have insisted on a particular and specific demonstration of fact, as distinguished

from stereotyped and conclusory statements, in order to establish good cause. *See Gulf Oil Co. v. Bernard*, 101 S.Ct. 2193 n. 16, 2201, 452 U.S. 89, 102, 68 L.Ed.2d 693 (1981)(“('To establish 'good cause' for a protective order under [Federal Rule of Civil Procedure] 26(c), '[t]he courts have insisted on a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements...'”).

Further, the existence of good cause for a protective order "is a factual matter to be determined from the nature and character of the information sought by deposition or interrogatory weighed in the balance of the factual issues involved in each action." *Glick v. McKesson & Robbins, Inc.*, 10 F.R.D. 477, 479 (D.C. Mo. 1950). Therefore, Applicant "will have to come forward with detailed information supporting" its request for a protective order barring the taking of his deposition. *Motsinger v. Flynt*, 119 F.R.D. 373, 378 (D.C.N.C.1988) (emphasis added) (denying plaintiff's motion for protective order barring the taking of his deposition). For example, Defendant's objections to relevant discovery requests were insufficient to warrant protective order; defendant alleged in a conclusory manner only that "request is overly-broad, not specific, and creates a hardship on the producing party." *McLeod, Alexander, Powel & Apffel, P.C. v. Quarles*, 894 F.2d 1482, 1484-5 (5th Cir. 1990).

Further, in *Panola Land Buyers Ass'n v. Shuman*, 762 F.2d 1550, 1559 (11th Cir.1985), one party objected to discovery by stating that the discovery requests were "unnecessary, too long, too broad, require too much time, are expensive to complete, are irrelevant, are improperly timed, and entail unreasonable geographic compliance." *Id.* With regard to those objections, the court held that "[n]o mention of the Rule 26(b) factors is made in sufficient specificity to allow the magistrate and the district court, absent an abuse of discretion, to grant the motion for a

protective order. The recitation of expense and burdensomeness are merely conclusory." *Id.*

Applicant's moving paper fails to provide any evidence beyond conclusory assertions by its attorneys that the deposition of HHTA employees Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai would result in annoyance, embarrassment, oppression, undue burden, or expense. Applicant argues that because Michael Levans will be deposed by Pioneer, there is no need to depose his subordinate employees, Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Hakai, and Anthony Duda. Nonetheless, Applicant's stated reasons for a protective order are merely conclusory like *Panola*. Hence, Applicant's motion lacks good cause that the Board requires for the issuance of a protective order. Moreover, Applicant's motion is completely bereft of any showing of **extraordinary circumstances**.

Applicant asserts the depositions of the subordinate employees will be "expensive" and "disruptive" to the "operations of the Electronics Products Division." Nonetheless, *FMR Corp. v. Alliant Partners*, which Applicant's motion cites, states

As general rule, a motion for a protective order that a discovery deposition not be had is usually denied when the only grounds advanced are that the deponent is too **busy**, or that the examination would cause **undue labor, expense or delay**.

FMR Corp. v. Alliant Partners, 51 U.S.P.Q.2d, 1759, 1761 (T.T.A.B. 1999). Thus, "disruptive" or "expensive" is not a good cause for granting a motion for protective order. Nevertheless, the moving papers do not even establish any facts that such depositions would be expensive or disruptive. Furthermore, because Applicant admits that the persons sought to be deposed are "subordinates," Pioneer's deposition of each witness should not be disruptive to a large company

like HHTA.

Further, the Court has held that “duplicative” discovery is not good cause for refusing to provide discovery responses:

“General objections, such as the objection that the interrogatories will require the party to conduct research and compile data, or that they are unreasonably burdensome, oppressive, or vexatious,...or that they would cause annoyance, expense, and oppression to the objecting party without serving any purpose relevant to the action, or that they are **duplicative of material already discovered through depositions, or that they are irrelevant and immaterial, or that they call for opinions and conclusions, are insufficient.**”

Apco Oil Corp. v. Certified Transp., Inc., 46 F.R.D. 428, 430 (W.D.Mo., 1969).

Similarly, the Board should reject “duplicative” discovery as “good cause” for issuing a protective order to Applicant.

B. APPLICANT’S MOTION FAILED TO PROVIDE ANY EVIDENCE THAT MR. KOBAYASHI IS A HIGH-RANKING OFFICER WITHIN THE MEANING OF ALLIANT PARTNERS

Applicant also contends that Pioneer’s deposition of Mr. Kobayashi is harassment. Applicant asserts Mr. Kobayashi is a high-ranking corporate officer who should be excused from the deposition because Mr. Levans has equal or greater knowledge. Nonetheless, Applicant’s motion fails to include any evidence or affidavit required by the Board to evidence Mr. Kobayashi’s high-ranking status and or lack of personal knowledge in this matter. The Board in

Alliant Partners held,

[T]he Board holds that when a party seeks to depose a very high-level official of a large corporation, and that official (or corporation) files a motion for protective order to prohibit the deposition, the movant must demonstrate through an affidavit or other evidence that the official has no direct knowledge of the relevant facts or that there are other persons with equal or greater knowledge of the relevant facts.

Alliant Partners, 51 U.S.P.Q.2d at 1763.

The Board requires Applicant to establish that Mr. Kobayashi is a high-level official of a large corporation that has no knowledge of the relevant facts or that there are other persons with equal or greater knowledge of the relevant facts. Applicant's motion lacks the "affidavit" or other "evidence" required by the Board. Clearly, Applicant's motion fails to establish that Mr. Kobayashi is protected from deposition by the *Alliant Partners* rule because Applicant's moving papers do not offer any admissible evidence, other than Applicant's attorneys conclusory statements, that Mr. Levans has equal or greater knowledge than Mr. Kobayashi.

IV.

CONCLUSION

For the foregoing reasons, Applicant's motion should be denied.

Dated: May 7, 2004

Respectfully submitted,

By: 

Attorney for Opposer Pioneer Corporation
Robert J. Skousen
Skousen & Skousen, APC
12400 Wilshire Ave., Ste. 900
Los Angeles, CA 90025
(310) 277-0444

Opposition No. 125,458
Mark: SuperScan Elite
Serial No.: 76/208,230
Published: March 19, 2003
Opposser's Opposition to Applicant's Motion for Protective Order

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR PROTECTIVE ORDER and DECLARATION OF ROBERT SKOUSEN** is being deposited with the United States Postal Service, first class postage prepaid, in an envelope addressed to William T. McGrath, Davis, Mannix & McGrath, 125 South Wacker Drive, Suite 1700, Chicago, Illinois 60606 on May 7, 2004.



Marlene Barnes

SKOUSEN & SKOUSEN
A PROFESSIONAL CORPORATION
SUITE 900
12400 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE (310) 277-0444
TELECOPIER (310) 782-9579

April 16, 2004

Via Facsimile (312) 332-6376 & U.S. Mail

William T. McGrath, Esq.
Davis, Mannix & McGrath
125 South Wacker Drive, Suite 1700
Chicago, Illinois 60606

RE: Pioneer Corp. v. Hitachi High Technologies America, Inc., etc.
TTAB Opposition Number 125,458
Discovery Depositions

Dear Mr. McGrath:

I am responding to your letter which I received today regarding your request for deposition dates for Mr. McManis and Mr. Johnston. In your letter, you suggested May 26, 27, and 28. Unfortunately, those dates conflict with my calendar. I will be unavailable between May 24 and May 28 because of other previously scheduled obligations. I am available May 3-7, May 10-14, and May 17-21 for discovery depositions in Chicago.

As you know, those dates will be contingent upon Mr. McManis and Johnston's availability. I have requested Messrs. McManis and Johnston's provide me with their schedules. I have not received a response as of the date of this letter.

During the time I am in Chicago for Messrs. McManis and Johnston's depositions, Pioneer seeks to take the depositions of Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Shigehiko Kobayashi, and Hakai.

William T. McGrath, Esq.

April 15, 2004

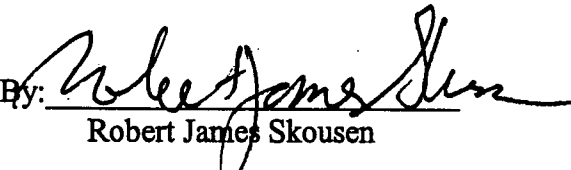
Page 2

Therefore, when you provide me dates for Messrs. McManis and Johnston's depositions, please also provide dates for Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Shigehiko Kobayashi, and Hakai's depositions.

I look forward to your response.

Very Truly Yours,

SKOUSEN & SKOUSEN
A Professional Corporation

By: 
Robert James Skousen

SKOUSEN & SKOUSEN

A Professional Corporation

SUITE 900

12400 WILSHIRE BLVD.

LOS ANGELES, CALIFORNIA 90025-1060

TELEPHONE: (310) 277-0444

TELECOPIER: (310) 782-9579

FACSIMILE TRANSMITTAL

DATE: April 16, 2004

TO: William T. McGrath, Esq.
Davis, Mannix & McGrath

FROM: Robert James Skousen

FAX NO.: (312) 332-6376

RE: Pioneer Corp. v. Hitachi High Technologies America,
Inc., etc.

☒ [X] For your information

☐ [] Please contact me

☐ [] In accordance with
your request

☐ [] Please read and advise
me how to reply

☐ [] Please sign and return
by Facsimile

☐ [] For your review
and comments

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909-383-8582
Apr 16 2004 3:55pm

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<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Apr 16	3:53pm	Fax Sent	913123326376	1:27	3	OK

DAVIS, MANNIX & McGRATH

ATTORNEYS AT LAW

125 SOUTH WACKER DRIVE

SUITE 1700

CHICAGO, ILLINOIS 60606-4402

(312) 332-3033

WILLIAM T. McGRATH
(312) 332-4748FAX (312) 332-6376
wmcgrath@dmmlaw.com

April 21, 2004

VIA FACSIMILE 310-782-9579
AND FIRST CLASS MAILRobert James Skousen
Skousen & Skousen, P.C.
12400 Wilshire Boulevard
Suite 900
Los Angeles, CA 90025-1060Re: Pioneer Corp. v. Hitachi High Technologies America, Inc.
Opposition No. 125,458

Dear Mr. Skousen:

With respect to your letter dated April 16, 2004 (not received by me until April 19), the only dates Mr. Levans is available in May is the week of the 24th. Your voicemail to me on April 15 did not indicate that you had a conflict with your calendar on the dates we proposed (May 25-27). Rather, your message stated that you were waiting to hear back from your clients. Your letter, however, states that you have a conflict because of previously scheduled obligations. I would expect that you would have mentioned those previous obligations in your voice message to me.

In any event, if you cannot change those obligations, I suggest we try to schedule Messrs. Levans, McManis and Johnston in early June. I understand that discovery closes on May 30, but my client is willing to agree to allow these depositions to occur in June in light of everyone's busy schedule. No extension of the discovery cut-off or testimony periods will be necessary to accomplish these three depositions.

Your request for depositions of five additional persons from HHTA (we have no idea who Mr. Hakai is) strikes me as harassment. Given the extensive discovery that has already

DAVIS, MANNIX & McGRATH

Letter to Robert Skousen

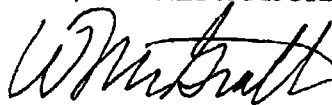
April 21, 2004

Page 2

taken place, and given that Mr. Levans will be available for another day of deposition, these additional depositions are duplicative and unwarranted. Accordingly, we have filed a motion for a protective order, a copy of which will be sent to you under separate cover. We ask that you withdraw your request for these or any other depositions of HHTA personnel (other than Mr. Levans), and we in turn will withdraw our motion for a protective order.

Very truly yours,

DAVIS, MANNIX & McGRATH



William T. McGrath

WTM:ph

SKOUSEN & SKOUSEN
A PROFESSIONAL CORPORATION
SUITE 900
12400 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE (310) 277-0444
TELECOPIER (310) 782-9579

April 22, 2004

Via Facsimile (312) 332-6376 & U.S. Mail

William T. McGrath, Esq.
Davis, Mannix & McGrath
125 South Wacker Drive, Suite 1700
Chicago, Illinois 60606

RE: Pioneer Corp. v. Hitachi High Technologies America, Inc., etc.
TTAB Opposition Number 125,458
Discovery Depositions

Dear Mr. McGrath:

I am responding to letter dated April 21, 2004. To accommodate both our schedules, I agree to schedule Messrs. Levans, McManis, and Johnston in early June if Messrs. McManis and Johnston are available.

I disagree that Pioneer's notices of deposition for Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai constitute harassment under Rule 26. All their names appear on documents you produced in connection to our demands for inspection and production. See HHTA's document bearing bates number 22 where Mr. Anthony Duda writes to unnamed individual and provides a carbon copy to Messrs. Dennis Battaglia, Yuji Hidaka, and Masatsugu Misu. That e-mail discusses the SUPERSCAN ELITE mark. See also document bearing bates number 32. Mr. Hakai works in the Engineering department, by the way, and is also mentioned in the documents that you have produced.

Clearly, Messrs. Anthony Duda, Dennis Battaglia, Yuji Hidaka, and Masatsugu Misu have knowledge regarding HHTA's intentions regarding the SUPERSCAN ELITE mark. Thus, I want to take their depositions in early June.

William T. McGrath, Esq.

April 22, 2004

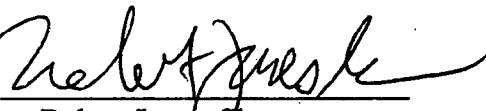
Page 2

Because you represent that Mr. Kobayashi has no additional knowledge regarding the mark beyond what Mr. Levans testified to, and you do not know who Hakai is, I agree to withdraw their notice of depositions as long as the other individuals are produced for their depositions.

I look forward to your response.

Very Truly Yours,

SKOUSEN & SKOUSEN
A Professional Corporation

By: 
Robert James Skousen

SKOUSEN & SKOUSEN

A Professional Corporation

SUITE 900

12400 WILSHIRE BLVD.

LOS ANGELES, CALIFORNIA 90025-1060

TELEPHONE: (310) 277-0444

TELECOPIER: (310) 782-9579

FACSIMILE TRANSMITTAL

DATE: April 23, 2004

TO: William T. McGrath, Esq.
Davis, Mannix & McGrath

FROM: Robert James Skousen

FAX NO.: 312-332-6376

RE: Pioneer Corp. v. Hitachi High Technologies America,
Inc., etc.

☒ [X] For your information

☐ [] Please contact me

☐ [] In accordance with
your request

☐ [] Please read and advise
me how to reply

☐ [] Please sign and return
by Facsimile

☐ [] For your review
and comments

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Apr 23	3:32pm	Fax Sent	913123326376	1:30	3	OK

SKOUSEN & SKOUSEN
A PROFESSIONAL CORPORATION
SUITE 900
12400 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90025-1060
TELEPHONE (310) 277-0444
TELECOPIER (310) 782-9579

May 3, 2004

Via Facsimile (312) 332-6376 & U.S. Mail

William T. McGrath, Esq.
Davis, Mannix & McGrath
125 South Wacker Drive, Suite 1700
Chicago, Illinois 60606

RE: Pioneer Corp. v. Hitachi High Technologies America, Inc., etc.
TTAB Opposition Number 125,458
Discovery Depositions

Dear Mr. McGrath:

In response to your motion for protective order, I will be opposing your motion because your motion failed to demonstrate good cause for a protective order in light of the documents that applicant produced and the claims identified in Pioneer's first amended opposition.

I assume you will not produce Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai for their discovery depositions which we previously noticed until the motion is decided by the Board. Nonetheless, if you intend to produce Messrs. Dennis Battaglia, Yuji Hidaka, Masatsugu Misu, Anthony Duda, Kobayashi, and Hakai for depositions on the dates, times, and locations that Opposer noticed, please contact me in writing no later than May 5, 2004 at 3:00 PST, so that I may make arrangements to travel to Chicago.

Very Truly Yours,

SKOUSEN & SKOUSEN
A Professional Corporation

By


Robert James Skousen

SKOUSEN & SKOUSEN

A Professional Corporation

SUITE 900

12400 WILSHIRE BLVD.

LOS ANGELES, CALIFORNIA 90025-1060

TELEPHONE: (310) 277-0444

TELECOPIER: (310) 782-9579

FACSIMILE TRANSMITTAL

DATE: May 3, 2004

TO: William McGrath, Esq.
Davis, Mannix & McGrath

FROM: Robert James Skousen

FAX NO.: 312-332-6376

RE: Pioneer Corp. v. Hitachi High Technologies America,
Inc., etc.

<input checked="" type="checkbox"/> [X] For your information	<input type="checkbox"/> [] Please contact me
<input type="checkbox"/> [] In accordance with your request	<input type="checkbox"/> [] Please read and advise me how to reply
<input type="checkbox"/> [] Please sign and return by Facsimile	<input type="checkbox"/> [] For your review and comments

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May 3	5:31pm	Fax Sent	913123326376	1:12	2	OK

----- Original Message -----

Subject: [REDACTED]

Date: Tue, 11 Mar 2003 20:29:05 +0900

From: taki-tsutomu@nst.hitachi-hitec.com

To: Mike Levans <mike.levans@hitachi-hhta.com>, Yuji Hidaka
<yuji.hidaka@hitachi-hhta.com>

CC: Shigehiko Kobayashi

<shigehiko.kobayashi@hitachi-hhta.com>, kawashima-tetsujiro@nst.hitachi-hitec.com

Mike,

I would like to explain my thinking about [REDACTED] business as follows.

1. Fact

(1) [REDACTED] is interested in Hitachi branded products very much.

(2) Hitachi does not want to do business with [REDACTED] under Hitachi brand from the following reason.

* Video products : Because of their relationship with [REDACTED]

* PTV/PDP : Because of Hitachi's strategy of distribution channel

But it looks Hitachi can allow us to do business with [REDACTED] if the brand

is not Hitachi. Actually, [REDACTED] would like to sell 43" PTV, which Hitachi

has developed for [REDACTED], to [REDACTED] under Superscan brand.

(3) Hitachi does not allow us to use either "Hitachi High Technologies" or

"Hitachi Living systems" brand to [REDACTED] clearly told us Hitachi

can not allow those name even on carton box and rating label.

Hitachi explained us the brand strategy is getting very important and Hitachi's

direction of brand strategy is to image high-end or deluxe, like Sony.

Therefore Hitachi can not allow us anything, which will have possibility to hurt

Hitachi brand image.

(4) [REDACTED] really would like to do business with [REDACTED] but [REDACTED] can not allow us

to use [REDACTED] brand, as they have a gentlemen agreement with

[REDACTED] who

does not want [REDACTED] is going to sell [REDACTED] brand products at [REDACTED]

2. My proposal

Judging from the above situation, it is very difficult for us to do business with

[REDACTED] But I do not want to give up and would like to propose the following solution.

H000011

TRADE-SECRET/
COMMERCIALLY SENSITIVE MATERIAL

(1) Brand
Superscan or Superscan Elite

- (2) Products
- a) 43" (4:3) Digital PTV (OEM from Hitachi)
 - b) DVD/VCR twin deck with progressive-scan
 - c) 20" PF DVD/VCR (Triple) with progressive

(3) Story to [REDACTED]
* We would like to establish the brand of "Superscan" or "Superscan Elite" together with [REDACTED].
* Our product concept is high value and high quality.
a) 43" PTV : Hitachi made, Hitachi quality products
b) Twin Deck : Funai supply to Hitachi.
Hitachi approved quality and performance.

c) Triple : VCR/DVD portion is Hitachi's approved quality & performance

3. Meeting schedule

I would like to visit [REDACTED] and [REDACTED] in the week of 3/23.

I prefer to leave for USA on 3/26 and return to Japan on 3/29, but I can leave for USA even on 3/23 if Customer will not available.

I will make more detailed product plan, including cost calculation, within this week.

Taki/HHT

H000012

TRADE-SECRET/
COMMERCIALLY SENSITIVE MATERIAL

----- Original Message -----

Subject: Re: SuperScan logo
Date: Tue, 24 Dec 2002 09:15:04 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: "Stans, Rick" <Rick.Stans@hhea.hitachi.com>
CC: "Nakamura, Kenji" <kenji.nakamura@hhea.hitachi.com>
BCC: "Battaglia, Dennis" <dennis.battaglia@hitachi-hhta.com>

Rick, Kenji,

If we go forward see attached --

We understand a formal license agreement will need to be executed between HHTA and HHEA and there will be no cost for the use of this brand in order to limit any additional expense.

Please see attached 2 files. One is "SuperScanLogo.ppt" and it is under MS Powerpoint and the other one "superscan.eps" is under "Adobe Illustrator" which is popular for art designers.

Regarding the color of logo, I do not know which one is the best to match to original bezel color for the 43"MX model but please select good one on your side. At this moment, silk-screen is fine for [REDACTED] However, if you would like to submit raised badge you may do so.

Regards,

SuperScanLogo.ppt

Name:
SuperScanLogo.ppt
Type:
POWERPNT File (application/ppt)
Encoding:
base64

superscan.eps

Name:
superscan.eps
Type:
Postscript Document (application/postscript)
Encoding:
7bit

H0C0C13

TRADE-SECRET/
COMMERCIAL SENSITIVE MATERIAL

----- Original Message -----

Subject: Aiptek 3Mega Pix Digital Camera

Date: Wed, 29 Jan 2003 17:50:22 +0900

From: kawashima-tetsujiro@nst.hitachi-hitec.com

To: masatsugu.misu@hitachi-hhta.com

CC: mike.levans@hitachi-hhta.com,

dennis.battaglia@hitachi-hhta.com,anthony.duda@hitachi-hhta.com,

yuji.hidaka@hitachi-hhta.com,taki-tsutomu@nst.hitachi-hitec.com,

kitada-shigemi@nst.hitachi-hitec.com,shimazaki-hiroshi@nst.hitachi-hitec.com,

ikegami-osamu@nst.hitachi-hitec.com,hasui-shuichi@nst.hitachi-hitec.com

Though we need to review in detail, I calculated the price for 3Mega Pix Digital

Camera as attached.

(Shimazaki) passed the sample kit over to you last week.

I would like to discuss with you tomorrow at HHT office.

I think we need to fix following factors before actually proposing this camera to

██████████ and/or ██████████

(1)Project manager in HTA

We need to assign someone in HTA as project manager for this development.

So far, I would like to discuss with (Misu) about price idea since (Misu) is expertise in ██████████ business.

(2)Price Idea

This product should be sold as "Gift Item" for some special event such as

Father's day or Back To School, or whatever.

Price: \$99.99 with 14% ██████████ M/U

or \$119 with 28% ██████████ M/U

Because of one time shot, I did not put reservation into the price spreadsheet.

(3)Brand

"SuperScan" by Hitachi High-Technologies

Model name: SuperScan Pix 3M

Description: 3Mega Pixel Digital Still Camera and QVGA Digital Movie with

4X digital zoom

(If anyone has better idea for naming it, I would like to change the name.)

(4)U.S. Import Duty

I checked web site. I think that digital camera is duty free item.

I would like HTA to check it.

H000014

TRADE-SECRET/
COMMERCIALLY SENSITIVE MATERIAL

(5)Availability

Since the supplier (Aiptek) got a huge order from German customer for the shipment upto March 03, the earliest availability of production for us is April, 2003.

After confirming business plan with [REDACTED] we need to discuss production availability with Aiptek.

Let's make a proposal package for [REDACTED]

I plan to visit Taiwan on Feb. 11. I would like to make a proposal to [REDACTED] in the beginning of Feb. and get some feedback from [REDACTED] before my visiting to Aiptek.

Best regards

DigitalCameraPrice.xls

Name:

DigitalCameraPrice.xls

Type:

EXCEL File (application/msexcel)

Encoding:

base64

F21LSpecification.xls

Name:

F21LSpecification.xls

Type:

EXCEL File (application/msexcel)

Encoding:

base64

H000015

**TRADE-SECRET/
COMMERCIALLY SENSITIVE MATERIAL**

----- Original Message -----

Subject: Re: [REDACTED] Plasma Situation
Date: Tue, 28 Jan 2003 18:25:49 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: taki-tsutomu@nst.hitachi-hitec.com, Yuji Hidaka
<yuji.hidaka@hitachi-hhta.com>, dennis.battaglia@hitachi-hhta.com, kawashima-tetsujiro@nst.hitachi-hitec.com, masatsugu.misu@hitachi-hhta.com, shigehiko.kobayashi@hitachi-hhta.com, "Nagao, Hidenori" <nagao-hidenori@nst.hitachi-hitec.com>
References: <OF14041E44.C845696F-ON49256CAF.00367007@LocalDomain>
<3E257A08.3ED05AA4@hitachi-hhta.com>

Yesterday, I found the following new information:

=> [REDACTED] decided he will not buy OPP Plasma from SVA or Proview - Of course he can not consider Sampo under such low margin at this time:

* It is almost decided he will buy OPP model from APEX --
- \$2,799 - \$2,999 w/maybe [REDACTED] % Margin + \$[REDACTED] entry fee

=> The main reason is [REDACTED] does not want to risk totally unknown vendor like SVA and Proview is not so big --

=> In addition, [REDACTED] has confidence that he can put pressure to APEX in order to get price down if necessary due to market conditions --

=> This seems to be the conclusion to OPP plasma for 2003 -- Mean time, we had better to prepare for 2004 and find the vendor (Funai, Sampo, Others) who can hit the aggressive pricing --

* Maybe \$[REDACTED] at 40"/wide or larger or maybe 37"/wide ?

=> Fyi, when (Taki) and I had dinner on 1/22 w/(Funatsu) he indicated he can not hit \$[REDACTED] type pricing at all and he said he can listen any idea HHT/HHTA might have for OEM low cost PDP ?

Let's discuss as time permits --

Thanks,

Mike Levans
Hitachi High Technologies America, Inc.
Phone: 847-273-4336
Cell: 847-924-1613

Mike Levans wrote:

>
> Please let me add the following comments for this issue:
>
> 1. [REDACTED] discussion during golf at CES:
>
> => I told [REDACTED] we already submitted the Sampo sample to [REDACTED] lab
> under SuperScan brand just for evaluation and study -- I told him that
> it is O.K. picture quality etc. for the \$3000 price point -- However
> there is no margin (maybe 8-10% at best) and in Sampo's case it seems

H000016

TRADE-SECRET/
COMMERCIAL SENSITIVE MATERIAL

> very difficult to arrange any entry fee (like \$ support etc.)

>

> => I told [redacted] that we just found at CES that it seems Sampo now has right to use Grundig brand for PDP and I asked him if this has meaning for him — He just said "No special meaning for him" —

>

> => Then, I told [redacted] that [redacted] had informed us he is getting proposals for \$3000 type PDP from some china makers and now he is considering them — However, I told [redacted] he should be very careful to bring new vendor as import basis for such new technology items like PDP as there may be too much risk and needs professional follow up like HHTA can provide etc. — [redacted] said he agrees with my opinion and he said he may instruct [redacted] not to proceed China PDP deal without his approval —

>

> => I asked [redacted] if Funai had asked him which should be developed 1st (PDP or PTV) by Funai —

>

> => [redacted] said he told Funai they should bring PDP as soon as possible and forget PTV. He said it makes no sense to bring PTV because too many competitors already far ahead of Funai for PTV — In this sense, he thinks Funai had better to focus new "Flat-Thin" TV for future growth — This is of course not what the buyer told Funai — The buyer said PTV should come 1st — We have to make sure this point with [redacted] —

>

> 2. Current [redacted] Status:

>

> => After returning from CES, [redacted] ordered [redacted] to prepare the competitive PDP OPP information from following stores — Anthony is now working on this and we will submit to [redacted] today — Then we will try to find out what [redacted] wants — It seems that (as of yesterday) [redacted] is almost ready to give up \$ [redacted] PDP target, but it will depend on [redacted] instruction to him —

>

> [redacted]

> [redacted]

> [redacted]

> [redacted]

>

> 3. [redacted] Position:

>

> => I fully agree with (Taki) we must be very careful for this issue considering relation to both Funai and HHEA —

>

> => In addition, it seems that Sampo (at least currently) has no intention to put any priority on [redacted] at all — They have limited capacity so they may not be hungry to accept better margin etc. to [redacted]

> —

>

> => We should find out what [redacted] wants and if he and [redacted] want us to make formal proposal from Sampo the minimum conditions would be. It was reported to me that Sampo said they can not accept this type of program at CES and that they think [redacted] must change their buying way in order to make deal with Sampo —

>

> * [redacted] % margin to [redacted] at \$ [redacted] retail

H000017

TRADE-SECRET/
COMMERCIAL SENSITIVE MATERIAL

> * Consignment on store display (Or discount to cover this expense)
 > * Payment terms either Net 75 days for local business or DA 77 days for
 > import
 > * Some form of MDF support (request is \$)
 > * Service support (training, parts BOM, free training samples etc.) to
 >
 > * Reasonable margin to HHT/HHTA
 >
 > => We should determine then, very carefully what effect this program
 > might have to our Hitachi and/or Funai relation before proceeding --
 >
 > Tks,
 >
 > taki-tsutomu@nst.hitachi-hitec.com wrote:
 >>
 >> (Hidaka)
 >>
 >> 1. First of all, I would like to check how soon Funai will be able to
 >> develop
 >> Plasma TV to USA market. As you know, their original plan for the
 >> initial
 >> shipment was in Feb. or Mar., 2004. But (Mizushima) is now
 >> considering to
 >> give priority to Plasma rather than PTV because he got a lot of
 >> inquiry for
 >> Plasma TV from his customers during CE show.
 >> As he will be in his office from tomorrow, I will try to find out
 >> the above with
 >> him.
 >> My point is that we can not make Plasma TV business with Sampo or
 >> other
 >> Chinese Manufactures considering our relationship with Funai if
 >> Funai could
 >> develop it with competitive price for Q4 sales in 2003.
 >>
 >> 2. For your information, I got the following information from
 >> during the
 >> dinner on 1/11.
 >> (1) Currently, SVA is talking with directly, not through rep.
 >>
 >> (2) SVA's gave 20% margin at \$2,799. According to Mike, SVA also
 >> agreed M\$1
 >> support to
 >> (3) Another Chinese manufacturer (Sorry I forgot the name. Please
 >> ask)
 >> offered same price as SVA.
 >>
 >> 3. Sampo information
 >> We got the following information from Sampo.
 >> (1) Sampo Target in 2003 is to sell 100K units of Plasma TV in USA
 >> including OEM.
 >> (2) Gateway's target is to sell 60K in 2003. They are looking for
 >> 2nd source as Sampo
 >> can not supply enough Qty right now.
 >> (When we visited SVA's booth, SVA told us they are getting
 >> into Gateway as

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 COMMERCIALLY SENSITIVE MATERIAL

>> Sampo can not supply enough Qty to gateway.)
>> (3) Sampo needs 4 months lead time right now as it takes 4months to
>> get panel.
>> So, the first availability of Sampo Plasma TV will be in May,
>> 2003, even if [REDACTED]
>> would make commitment to Sampo, today.
>> (4) The current Sampo's best price to [REDACTED] is 8% margin at \$2,999.
>> No way to
>> support the additional [REDACTED]
>> (5) Gateway committed 10K units and also they bought them by cash
>> in advance, therefore
>> Gateway could get better deal.
>> (6) Sampo is also taking with [REDACTED] and [REDACTED]
>>
>> 4. We would like to find out [REDACTED] direction for low end Plasma TV as
>> it looks [REDACTED]
>> and [REDACTED] have different idea right now.
>> We also have to make our mind if we should try to carry Sampo or
>> other Chinese
>> manufacturers' Plasma TV considering our relationship with Hitachi
>> and Funai.
>>
>> Let's try to gather all information first and then make our
>> decision based on those information.
>>
>> Taki/HHT
>>
>>
>>
>> Yuji Hidaka
>> <yuji.hidaka@hitachi-hhta.com> □\$B08@h□(B: Taki
>> <taki-tsutomu@nst.hitachi-hitec.com>
>> 2003/01/15 07:35 cc: Shigehiko Kobayashi
>> <shigehiko.kobayashi@hitachi-hhta.com>,
>> Tetsujiro Kawashima
>> <kawashima-tetsujiro@nst.hitachi-hitec.com>,
>> Masatsugu Misu
>> <masatsugu.misu@hitachi-hhta.com>, Mike
>> Levans <mike.levans@hitachi-hhta.com>,
>> Dennis Battaglia
>> <dennis.battaglia@hitachi-hhta.com>
>> □\$B7oL>□(B: Sampo plasma
>>
>> 1. [REDACTED] price
>>
>> I asked [REDACTED] if we can get [REDACTED] purchasing price and
>> MDF support from the buyer of [REDACTED] It seems that we could get
>> such information from previous buyer but it is really difficult to
>> get it from current buyer.
>>
>> We also tried to get such infomaiton from [REDACTED] but he does not
>> have it.
>>
>> [REDACTED]
>>
>> I visited [REDACTED] today but the [REDACTED] warehouse (store)

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>> had only Akai brand. However, it was not \$2999 but \$3499.
>> I heard rumore that it is made by Samsung.
>>
>> 3. Price negotiation
>>
>> I told [REDACTED] regarding the contents of discussion with Sampo
>> at Las Vegas Hilton. The biggest problem is the margin which
>> Sampo can give to [REDACTED] under \$2999 retail price and I explained
>> [REDACTED] that Sampo can give only 8% for such type of price.
>>
>> [REDACTED] does not think 8% works either but 15% may work..
>> (Of course HHT/HTA margin is another issue and MDF is another
>> issue.) [REDACTED] also think that we can negotiate [REDACTED] to waive
>> \$ [REDACTED] of set up charge for this type of product.
>>
>> If Sampo does not accept to reduce the cost, we may have to
>> find the possibility to sell it at higher price.
>>
>> 1) If Sampo can give 8% margin to [REDACTED] under \$2999.99 selling
>> price,
>> it means Sampo's selling price is \$2760. (Of couse we have to
>> confirm the delivery point.)
>>
>> 2) With this purchasing price, [REDACTED] can get [REDACTED] % at \$ [REDACTED]
>> retail
>> price. However, it may be difficult for us to get any margin
>> and
>> MDF for [REDACTED]
>>
>> 3) With this purchasing price, [REDACTED] can get [REDACTED] % at \$ [REDACTED]
>> retail
>> price. So, we can have margin and consider to give MDF.
>>
>> This is just my personal opinion but \$ [REDACTED] may be little too
>> high
>> and I think we have to negotiate with Sampo to reduce 5% (= \$ [REDACTED])
>>
>> According to [REDACTED], he talked this issue with [REDACTED] last Sat. and
>> [REDACTED]
>> understands [REDACTED] can not make full margin and they should accept [REDACTED] %
>> type of margin. [REDACTED] also do not want to carry this type of high end
>> product made by Chinese company such as SVA.
>>
>> Regards, <
>> Yuji Hidaka
>> EPD
>
>
> --
> Mike Levans
> Hitachi High Technologies America, Inc.
> Phone: 847-273-4336
> Cell: 847-924-1613

H000020

TRADE-SECRET/
COMMERCIALY SENSITIVE MATERIAL

----- Original Message -----

Subject: LCD Plasma Chart OPP Price Points

Date: Wed, 15 Jan 2003 16:17:12 -0600

From: Anthony Duda <anthony.duda@hitachi-hhta.com>

Organization: Hitachi High Technologies America, Inc.

To: [REDACTED]

CC: Mike Levans <mike.levans@nissei.com>, Yuji Hidaka
<yuji.hidaka@nissei.com>, "dennis.battaglia@hitachi-hhta.com"
<dennis.battaglia@hitachi-hhta.com>, Misu Masatsugu
<masatsugu.misu@nissei.com>

Hello [REDACTED]

Please see attached chart for OPP LCD and Plasma TVs. As we continue our discussion about a SuperScan family brand solution to the Gateway type pricing, this survey should come in handy --

Any questions please give me a call,

Anthony

LCD Plasma Chart rev1.xls

Name:

LCD Plasma Chart rev1.xls

Type:

EXCEL File (application/msexcel)

Encoding:

base64

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TRADE-SECRET/
COMMERCIALLY SENSITIVE MATERIAL

----- Original Message -----

Subject: GNX Info HTIB

Date: Fri, 22 Nov 2002 11:51:07 -0600

From: Anthony Duda <anthony.duda@hitachi-hhta.com>

Organization: Hitachi High Technologies America, Inc.

To: [REDACTED]

CC: Mike Levans <mike.levans@nissei.com>, Yuji Hidaka
<yuji.hidaka@nissei.com>, "dennis.battaglia@hitachi-hhta.com"
<dennis.battaglia@hitachi-hhta.com>, Misu Masatsugu
<masatsugu.misu@nissei.com>

Diana,

Here is the information that you requested. The brand would be
'SuperScan' or possibly 'SuperScan Elite'

Please see attached two files.

Anthony

Ht-1800.doc

Name:

Ht-1800.doc

Type:

WINWORD File (application/msword)

Encoding:

base64

[REDACTED] HTIB System.xls

Name:

[REDACTED] System.xls

Type:

EXCEL File (application/msexcel)

Encoding:

base64

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02/S NEW TEAM EPD

HHTA - CONFIDENTIAL

EFFECTIVE 10/1/02

S. KOBAYASHI, SR. VP
ELECTRONICS GROUP

ELECTRONIC PRODUCTS DIV.
M. LEVANS
Vice President / General Manager

Y. HIDAKA
Deputy General Manager

M. LEVANS
Deputy General Manager
(Acting)

HOME ELECTRONICS
DEPT.
D. BATTAGLIA
Manager

SALES ADMINISTRATION
DEPT.
A. STOLZMAN
Manager

WIRELESS ELECTRONICS
DEPT.
R. SANDERS
Manager

SALES/MARKETING
A. DUDA
Account Manager

SALES
M. MISU
Account Manager

SALES
TBD
Account Manager

SALES ADMINISTRATION
D. KRANEMAN
Assistant Manager

SALES/ENGINEER
TBD
Account Manager

SALES
J. MAEDA
Account Manager

SALES/LOGISTICS
S. MEISENHEIMER
Account Manager

Sales Administrator
C. Erickson

Sales Administrator
I. Porebski

General Clerk/
Sales Administrator
K. Ward

Sales Administrator
NEW TBD

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COMMERCIALLY SENSITIVE MATERIAL

----- Original Message -----

Subject: Re: SuperScan 42" Plasma
Date: Mon, 16 Feb 2004 16:36:01 +0900
From: Atsushi Aita <aita@itg.hitachi.co.jp>
To: yuji.hidaka@hitachi-hita.com, takahiko.nakae@hhea.hitachi.com
CC: yoshiyuki.sakurai@hhea.hitachi.com,
masahiko.umeda@hhea.hitachi.com, yoshino3@itg.hitachi.co.jp,
yoshinori-ishida@itg.hitachi.co.jp, mike.levans@hitachi-hita.com,
anthony.duda@hitachi-hita.com, dennis.battaglia@hitachi-hita.com
References: <402E5CEC.7090803@hitachi-hita.com>

Hidaka-san,

Thank you very much for the files.

My understanding about the packaging and labels is as follows;
As far as current Himex made Plasma-TV meets the [REDACTED] requirements, we
can
basically utilize them.

If you can ask someone to tell us more specified portion in which the
data
you sent to us, we really appreciate.
Since the information about the other category product included (such
as
jewel, footwear etc.)

Thank you,

A.Aita

----- Original Message -----

From: <yuji.hidaka@hitachi-hita.com>
To: <takahiko.nakae@hhea.hitachi.com>
Cc: <yoshiyuki.sakurai@hhea.hitachi.com>;
<masahiko.umeda@hhea.hitachi.com>;
<yoshino3@itg.hitachi.co.jp>; <aita@itg.hitachi.co.jp>;
<yoshinori-ishida@itg.hitachi.co.jp>; <mike.levans@hitachi-hita.com>;
<anthony.duda@hitachi-hita.com>; <dennis.battaglia@hitachi-hita.com>
Sent: Sunday, February 15, 2004 2:37 AM
Subject: SuperScan 42" Plasma

> (Nakae),

>

> 1. I made the development follow up chart as attached. (75224 Develop
> follow up chart.xls)

> It shows what we have to provide to [REDACTED] such as evaluation samples,
> parts list, user (operation manual), service manual, carton box, labels.
> etc.

>

> 2. I will attach the copy of rating label for SuperScan 19" Triple Play
> (19" CTV/DVD/VHS triple combo made by Funai.) So, please refer it
> when HHEA will design rating label for SuperScan 42" plasma.

>

> 3. I also attach [REDACTED] vendor information guide for Sears requirement for
> package and labels.

>
> If you have any questions, please let us know.

>
> Regards,
> Yuji Hidaka

>
>

----- Original Message -----

Subject: Re: SuperScanModel#

Date: Mon, 09 Feb 2004 16:16:16 -0600

From: Yuji Hidaka <yuji.hidaka@hitachi-hta.com>

Organization: Hitachi High Technologies America, Inc.

To: takahiko nakae <takahiko.nakae@hhea.hitachi.com>

CC: Mike Levans <mike.levans@hitachi-hta.com>, Masatsugu Misu

<masatsugu.misu@hitachi-hta.com>, Dennis Battaglia

<dennis.battaglia@hitachi-hta.com>, Anthony Duda

<anthony.duda@hitachi-hta.com>, Alisa Stolzman

<alisa.stolzman@hitachi-hta.com>, Doug Kraneman

<doug.kraneman@hitachi-hta.com>

References: <402567DF.4040205@hhea.hitachi.com>

Mr. Nakae,

Please use [REDACTED] 2. ([REDACTED] SuperScan Hitachi model 2004 42")

Tks,
Hidaka

Tks,
Hidaka

takahiko nakae wrote:

> Mike, Hidaka-san

>

>Since Superscan is HTTA owned brand, please think about Model# of
>42"ED Plasma TV and let us know.

>

>It may be better to be named differently from Hitachi model#.

>

>Tak Nakae

>

>

>

>

----- Original Message -----

Subject: [Fwd: SuperScanModel#]
Date: Sun, 08 Feb 2004 18:17:49 -0600
From: Yuji Hidaka <yuji.hidaka@hitachi-hta.com>
Organization: Hitachi High Technologies America, Inc.
To: Mike Levans <mike.levans@hitachi-hta.com>
CC: Masatsugu Misu <masatsugu.misu@hitachi-hta.com>

(Mike),

Since (Misu) namded SSS2435 for Sharp 35",
how do you think "SSH2442" for SuperScan 42" PlasmaTV?

SSS2435 means Superscan [REDACTED] Sharp, 2004 35"
SSH4224 means SuperScan [REDACTED] Hitachi, 2004 42"
(SSS4224 sounds better?)

Tks,
Hidaka

----- Original Message -----

Subject: SuperScanModel#
Date: Sat, 07 Feb 2004 14:34:07 -0800
From: takahiko nakae <takahiko.nakae@hhea.hitachi.com>
To: Mike Levans <mike.levans@hitachi-hhta.com>, Yuji Hidaka
<yuji.hidaka@hitachi-hta.com>, aita <aita@itg.hitachi.co.jp>,
yoshiyuki sakurai <yoshiyuki.sakurai@hhea.hitachi.com>

Mike, Hidaka-san

Since Superscan is HTTA owned brand, please think about Model# of
42"ED Plasma TV and let us know.

It may be better to be named differently from Hitachi model#.

Tak Nakae

----- Original Message -----

Subject: Re: Superscan PDP to [REDACTED]
Date: Wed, 28 Jan 2004 18:59:30 -0600
From: Yuji Hidaka <yuji.hidaka@hitachi-hita.com>
Organization: Hitachi High Technologies America, Inc.
To: taki-tsutomu@nst.hitachi-hitec.com
CC: Mike Levans <mike.levans@hitachi-hhta.com>, Yuji Hidaka
<yuji.hidaka@hitachi-hhta.com>, Masatsugu Misu
<masatsugu.misu@hitachi-hhta.com>,
nagao-hidenori@nst.hitachi-hitec.com,
kawashima-tetsujiro@nst.hitachi-hitec.com,
kitada-shigemi@nst.hitachi-hitec.com
References: <OF39C9E9AA.9D36592E-ON49256E29.003C8143@LocalDomain>
<4017EA71.14EA4398@hitachi-hhta.com>

Steve Snoke came to us just recently.

He discussed this issue with the trade lawyer by referring FCC Rule Part 15.117 (i). According to Steve, that trade lawyer is quite familiar with this issue and immediately replied that [REDACTED] has to be responsible to meet FCC rule as the importer. Then, it may be difficult for [REDACTED] to accept to be the importer.

Anyway, please refer this information for your investigation.

Tks,
Hidaka

Mike Levans wrote:

> Taki-san,
>
> 1. We will check the FCC rule through (Snoke)... Please wait...
>
> 2. On the other hand, please let me explain as follows:
>
> => At this point, I have no intention to accept all inventory risk for
> SuperScan brand if HHEA continues to insist only 1.3% HTA profit
> margin... I will request 2.5% and maybe accept minimum 2% if EPD has
> to
> order 2-3 months before Sears firm order etc..
>
> => If HHEA does not like to pay more margin to EPD, then I will tell
> them this operation will run in the same manner as current Hitachi
> brand
> local business... This means [REDACTED] forecast is locked 60-days out
> (firm)... 90-days out 80% firm... 120 Days-out 70% firm and so on...
>
> => The point being it is not fair to shift 100% inventory or order
> commitment risk to EPD at current Hitachi brand profit margin rate...
>
> => If (in the worst case) EPD ended the model year with some left
> over,

> I am thinking to use internet auction by working with (Cebuhar) to
> clean
> up any dead stock issues etc..
>
> => I can not comment now on the possibility to shift this operation to
> import basis... But we proposed as local business (with short lead
> time,
> FOB delivered, No 733-IMI) involvement etc... It is our understanding
> that Memorex also quoted in this manner and [REDACTED] likes the
> flexibility... We also offered consignment and HHEA already accepted
> to
> wait for their payment in the same manner as local Hitachi brand
> consignment... Memorex can not do this according to [REDACTED] ...
>
> => I understand EPD will have certain risk, but I am not yet clear on
> how shifting to import basis we can avoid such risk ? Also, I am not
> sure we can secure enough total profit margin to afford both IHED and
> EPD ?
>
> We highly appreciate all of IHED's support to Hitachi UB and will
> study
> more how we can both grown together...
>
> Regards,
>
> taki-tsutomu@nst.hitachi-hitec.com wrote:
>
>> Mike,
>>
>> 1. We appreciate for your hard work about Superscan PDP to [REDACTED]
>>
>> 2. We would like to hear your opinion for our proposal, which we
>> would
>>
>> like to make this to international business from the following
>> factor.
>>
>> (1) Order risk
>> In case of domestic business, [REDACTED] will issue contract 1
>> month before
>> shipment. In the result of that, HAL or HTA has to arrange
>> production
>> based on [REDACTED] order forecast. As for international
>> business,
>> [REDACTED] will
>> issue order at 3 or 4 months lead time.
>>
>> (2) Inventory risk
>> This relates above. If [REDACTED] would not take goods as they
>> forecast, HAL
>> has to keep inventory. As for international business,
>> basically
>> there is
>> no inventory risk.
>>
>> (3) Shipping cost and arrangement
>> As you know, the direct shipment is less cost and less time
>> to
>> arrange,
>> compared with domestic business.
>>
>> 3. We think the only 1 problem of international business is how to
>> solve FCC
>> rule, which manufacturer or importer must have 50% or more
>> digital
>> tuner
>> after July 1, 2004.

----- Original Message -----

Subject: [Fwd: [Fwd: Re: SuperScan to [REDACTED] Good News]]
Date: Wed, 28 Jan 2004 14:19:46 -0600
From: Masatsugu Misu <masatsugu.misu@hitachi-hhta.com>
Reply-To: masatsugu.misu@hitachi-hhta.com
Organization: Hitachi High Technologies America, Inc.
To: Mike Levans <mike.levans@hitachi-hhta.com>

I am sorry...

Misu

----- Original Message -----

Subject: [Fwd: Re: SuperScan to [REDACTED] [Good News]]
Date: Wed, 28 Jan 2004 10:21:49 -0600
From: Masatsugu Misu <masatsugu.misu@hitachi-hhta.com>
Reply-To: masatsugu.misu@hitachi-hhta.com
Organization: Hitachi High Technologies America, Inc.
To: Hidenori Nagao
<nagao-hidenori@nst.hitachi-hitec.com>, "taki-tsutomu@nst.hitachi-hitec.com"
<taki-tsutomu@nst.hitachi-hitec.com>, "kawashima-tetsujiro@nst.hitachi-hitec.com"
<kawashima-tetsujiro@nst.hitachi-hitec.com>, "kitada-shigemi@nst.hitachi-hitec.com"
<kitada-shigemi@nst.hitachi-hitec.com>, Yuichiro Kuno
<kuno-yuichiro@nst.hitachi-hitec.com>, "aoki-daisuke@nst.hitachi-hitec.com"
<aoki-daisuke@nst.hitachi-hitec.com>, "shishido-rieko@nst.hitachi-hitec.com"
<shishido-rieko@nst.hitachi-hitec.com>, Shigehiko
Kobayashi <shigehiko.kobayashi@hitachi-hhta.com>, Yuji Hidaka
<yuji.hidaka@hitachi-hhta.com>, Dennis Battaglia
<dennis.battaglia@hitachi-hhta.com>, Anthony Duda
<anthony.duda@hitachi-hhta.com>, Hiroshi
Shimazaki <hiroshi.shimazaki@hitachi-hhta.com>, Alisa Stolzman
<alisa.stolzman@hitachi-hhta.com>, Doug Kraneman
<doug.kraneman@hitachi-hhta.com>, Cheryl Ericksen
<cheryl.ericksen@hitachi-hhta.com>, Laura
Chaika <laura.chaika@hitachi-hhta.com>

Everybody,

Please find attached presentation material for our
SuperScan proposal to [REDACTED]

Best regards,
Misu

----- Original Message -----

Subject: Re: SuperScan to [REDACTED] [Good News]
Date: Wed, 28 Jan 2004 10:03:01 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>

=> (Misu), please convert the file to PDF and forward this message to (Kobayashi) (Hidaka) & HHT for their reference... The file is too heavy...

All,

Thank you very much for your hard work and quick response time in order to submit the attached proposal to [REDACTED] yesterday. This morning [REDACTED] confirmed [REDACTED] has accepted the proposal (in general) for all three products:

=> 19" Triple Play: [REDACTED] would like to proceed based on improvement of the net margin at \$199 promotion

=> 35" CTV: [REDACTED] is very excited on this one and may request 100/K units -- We will need to carefully confirm the capacity of Sharp to supply this many or not

=> 42" PDP: [REDACTED] has basically accepted the proposal in full -- We still have pending \$250/K shortage support as HHEA (so far) only committed to support (\$250/k) -- Also, we will not accept only 1.3% profit for this deal if HHEA insist that all inventory risk is shifted to HTA -- We fixed appointment for 4:00pm on 2/3 in order to have (Nakae) personally visit [REDACTED] next week -- We will let him take the commitment back to HHEA as kind of hero and we will (at the same time) put pressure to him to get back \$250/k as well as improve our net profit for this OEM deal -- We will not inform HHEA of the commitment until next week in order to keep leverage for negotiation etc. --

=> HHT should not inform to Hitachi UB of the good news yet --

--
Mike Levans
Hitachi High Technologies America, Inc.
Phone: 847-273-4336
Cell: 847-924-1613

HITACHI
Inspire the Next

CONFIDENTIAL

Hitachi High Technologies America

January 26, 2004

SuperScan®
An advantage you can clearly see.

19" Triple Play – 35" CTV –

42" Plasma EDTV



H000131

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

----- Original Message -----

Subject: SuperScan Logo and Carton box drawing image of 19" super scan triple play

Date: Thu, 26 Feb 2004 17:25:51 +0900

From: Atsushi Aita <aita@itg.hitachi.co.jp>

To: yuji.hidaka@hitachi-hta.com, mike.levans@hitachi-hta.com

CC: yoshiyuki.sakurai@hhea.hitachi.com,
masahiko.umeda@hhea.hitachi.com, yoshino3@itg.hitachi.co.jp,
anthony.duda@hitachi-hta.com, dennis.battaglia@hitachi-hta.com,
alisa.stolzman@hitachi-hta.com, Tak Nakae
<takahiko.nakae@hhea.hitachi.com>,
a-omachi@design.hitachi.co.jp, mizuka@itg.hitachi.co.jp,
akira-nishimura@itg.hitachi.co.jp

References: <402E5CEC.7090803@hitachi-hta.com> <4037DAE0.9010701@hitachi-hta.com>

Hello Mike and Mr. Hidaka, I'd like to have the Super Scan Logo at Adobe Illustrator (ai) application to create printing base for 42" VGA-TV. In the past, I've got the logo at powerpoint, but it is not enough for the final product designing. Please let me have the that logo and electronic data of carton box artwork for the reference of 42" Super Scan. Best Regards, A. Aita

H000193

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

----- Original Message -----

Subject: Re: [Fwd: Re:SuperScan Logo and Carton box drawing image of19"super scan triple play]

Date: Thu, 26 Feb 2004 09:25:26 -0600

From: Alisa Stolzman <alisa.stolzman@hitachi-hhta.com>

To: Mike Levans <mike.levans@hitachi-hhta.com>

CC: "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>, "Hidaka, Yuji"

<yuji.hidaka@hitachi-hhta.com>, "Battaglia, Dennis"

<dennis.battaglia@hitachi-hhta.com>, "Duda, Anthony"

<anthony.duda@hitachi-hhta.com>

References: <403E06FC.D2B50898@hitachi-hhta.com>

Mike,

Attached please find [REDACTED] shipping label instructions for DDC (Direct Delivery) shipments.

Tks,

Alisa

Mike Levans wrote:

> Misu,

>

> Do we have any electronic version of triple play rating label, shipping label and O/M ?

>

> or => Alisa, do we have (or can we make) an electronic version of [REDACTED] shipping lable for DDC shipment ?

>

> Please advise...

>

> ----- Original Message -----

> Subject: Re:SuperScan Logo and Carton box drawing image of19"super scan triple play

> Date: Thu, 26 Feb 2004 19:28:10 +0900

> From: mizuka@itg.hitachi.co.jp

> To: yuji.hidaka@hitachi-hhta.com, mike.levans@hitachi-hhta.com

> CC: yoshino3@itg.hitachi.co.jp,

> akira-nishimura@itg.hitachi.co.jp,aita@itg.hitachi.co.jp,

> yoshinori-ishida@itg.hitachi.co.jp,mnishida@itg.hitachi.co.jp,

> noboru-fujita@itg.hitachi.co.jp,yoshiyuki.sakurai@hhea.hitachi.com,

> masahiko.umeda@hhea.hitachi.com,anthony.duda@hitachi-hhta.com,

> dennis.battaglia@hitachi-hhta.com,alisa.stolzman@hitachi-hhta.com,

> takahiko.nakae@hhea.hitachi.com,a-omachi@design.hitachi.co.jp

>

> Dear @HHT @san

>

H000194

> Please inform rating label, shipping tag and manual of 19"super scan
> triple play
> for the reference of 42"Super Scan ASAP.

> I will join Taipei meeting at Mar.1 pm.

> Thank you for your cooperation

MIZUKAMI

> =====

> >Hello Mike and Mr.Hidaka,

> >
> >I'd like to have the Super Scan Logo at Adobe Illustrator (ai) application to
> >create printing base for 42"VGA-TV.
> >In the past, I've got the logo at powerpoint , but it is not enough for the
> >final product designing.

> >
> >Please let me have the that logo and electronic data of carton box artwork
> >for the reference of
> >42"Super Scan.

> >
> >Best Regards,

> >
> >A.Aita

> >

----- Original Message -----

Subject: 35" SuperScan quotation

Date: Sat, 21 Feb 2004 11:33:51 -0600

From: Masatugu Misu <masatsugu.misu@hitachi-hta.com>

To: Chuck-San <cbacon1@sears.com>, Gayle-san <gdedie@sears.com>

CC: Mary-san <BCRA57A@SEARS.COM>, Mike Levans

<mike.levans@hitachi-hta.com>, Dennis Battaglia

<dennis.battaglia@hitachi-hta.com>, Anthony Duda

<anthony.duda@hitachi-hta.com>, Yuji Hidaka

<yuji.hidaka@hitachi-hta.com>, Alisa Stolzman

<alisa.stolzman@hitachi-hta.com>, Doug Kraneman

<doug.kraneman@hitachi-hta.com>, Cheryl Ericksen

<cheryl.ericksen@hitachi-hta.com>

Chuck-san, Gayle-san,

We would like to send you our quotation for 35" SuperScan TV
in writing as follows :

1) Quotation

FOB destination : \$340.00 (7 warehouse)
MDF : K\$300 (Separate money for day after thanks
giving)
Sales price : Reg. \$449 24.44%
 Promo \$399 15.00%
 Hot \$379 10.52%
 S. Hot \$349 2.85% (plus K\$300 MDF)
Committed quantity: 70K units by end of 2004

(*1) I recommend [REDACTED] set the regular price @ \$449 when we consider
the following market situation.

Market price forecast

forecast	Today	Q2 forecast	Q3 forecast	Q4
SuperScan	N/A	\$449/\$429	\$449/\$429/\$399	
\$449/\$399/\$379/\$349				
SHARP	\$499	\$449	N/A	N/A
RCA	\$599	\$549/\$499	\$549/\$499	
\$499/\$449/\$399				
Magnavox	\$599/\$499/\$399	\$549/\$499	\$549/\$499	
\$499/\$449/\$399				
Toshiba	\$599	\$549	\$549	
\$549/\$499/\$449				

(*2) Promotion price move plan

Jun. \$429
Jul. \$429
Aug. \$399
Sept. \$429

H000196

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Oct. \$399
Nov. \$399
Dec. \$349 day after thanks giving
\$379

2) Conditions

- a) Delivery : Container basis (141pcs/container)
We would like to deliver the products based on
container basis because there is cost advantage, and
this is why we could submit \$340 delivered cost.
b) Order commitment : 3 month prior to delivery date
(Q'ty & container breakdown available to
adjust)
c) Initial delivery : May wk2
d) Service & warranty: Sears
e) Payment term : Net 60 days after B/L date

3) Model information

- a) SKU# : 46204
b) SuperScan model# : SSS2435
c) Screen Size : 35"
c) Cabinet : Silver
d) Feature :

- + Front/Rear A/V input
- + Sleep / TV View Timer
- + Trilingual on Screen Display
- + 2 Line Digital Comb Filter
- + Rear S-Video input
- + Energy Save
- + Auto Channel Preset

- e) Production : Mexico

Best regards,
Misu

----- Original Message -----

Subject: Re: SuperScan 42" Plasma,
Date: Fri, 20 Feb 2004 07:38:33 -0600
From: Yuji Hidaka <yuji.hidaka@hitachi-hta.com>
Organization: Hitachi High Technologies America, Inc.
To: takahiko.nakae@hhea.hitachi.com
CC: Atsushi Aita <aita@itg.hitachi.co.jp>,
yoshiyuki.sakurai@hhea.hitachi.com,
masahiko.umeda@hhea.hitachi.com,
yoshino3@itg.hitachi.co.jp,
yoshinori-ishida@itg.hitachi.co.jp,
mike.levans@hitachi-hta.com, anthony.duda@hitachi-hta.com,
dennis.battaglia@hitachi-hta.com, Alisa Stolzman
<alisa.stolzman@hitachi-hta.com>
References: <402E5CEC.7090803@hitachi-hta.com>
<027a01c3f45f\$86a44990\$af939085@yokohama.hitachi.co.jp>
<4031328B.405@hitachi-hta.com>
<004901c3f4e8\$41734810\$af939085@yokohama.hitachi.co.jp>

(Nakai) (Aita)

Regarding [REDACTED] documents which I sent you on Feb. 15th, we have to find out if this item (SuperScan 42" Plasma TV) will be "Take with" product or "Direct delivery product" since [REDACTED] requirement for labeling, shipping documents, shipment packing material is different. [REDACTED] has not decide if they will keep Superscan 42" Plasma TV at each store (so that customer can take it home with) or they will not keep the inventory at each store and deliver to the customer's home directly from the warehouse.

Anyway, we will try to find out it asap.

On the other hand, we have to submit the attached "CORE NEW ITEM SHEET" to Sears asap and please fill out all information and return to us.

Regards,
Hidaka

Atsushi Aita wrote:

> Mr.Hidaka, I appreciate your help. Regards, A.Aita

>

>

>

>

>

>

>

----- Original Message -----

From: yuji.hidaka@hitachi-hta.com

To: aita@itg.hitachi.co.jp

Cc: takahiko.nakae@hhea.hitachi.com ;

yoshiyuki.sakurai@hhea.hitachi.com ;

H000198

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> masahiko.umeda@hhea.hitachi.com ; yoshino3@itg.hitachi.co.jp
> ; yoshinori-ishida@itg.hitachi.co.jp ;
> mike.levans@hitachi-hita.com ; anthony.duda@hitachi-hita.com ;
> dennis.battaglia@hitachi-hita.com
> Sent: Tuesday, February 17, 2004 6:13 AM
> Subject: Re: SuperScan 42" Plasma
> Mr. Aita,

> I roughly checked [REDACTED] documents to find out which item we
> have to
> meet for SuperScan 42" PDP. Then, I passed it to Anthony to
> make double check. We will inform you of the result asap.

> Regards,
> Hidaka

> Atsushi Aita wrote:

> > Hidaka-san,
> >
> > Thank you very much for the files.
> > My understanding about the packaging and labels is as
> > follows;
> > As far as current Himex made Plasma-TV meets the [REDACTED]
> > requirements, we can
> > basically utilize them.
> >
> > If you can ask someone to tell us more specified portion
> > in which the data
> > you sent to us, we really appreciate.
> > Since the information about the other category product
> > included (such as
> > jewel, footwear etc.)
> >

> > Thank you,

> > A.Aita

> > ----- Original Message -----

> > From: <yuji.hidaka@hitachi-hita.com>

> > To: <takahiko.nakae@hhea.hitachi.com>

> > Cc: <yoshiyuki.sakurai@hhea.hitachi.com>;

> > <masahiko.umeda@hhea.hitachi.com>;

> > <yoshino3@itg.hitachi.co.jp>; <aita@itg.hitachi.co.jp>;

> > <yoshinori-ishida@itg.hitachi.co.jp>;

> > <mike.levans@hitachi-hita.com>;

> > <anthony.duda@hitachi-hita.com>;

> > <dennis.battaglia@hitachi-hita.com>

> > Sent: Sunday, February 15, 2004 2:37 AM

> > Subject: SuperScan 42" Plasma

> > H000199

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> > refer it
> > when HHEA will design rating label for SuperScan 42"
> > plasma.

> > 3. I also attach [REDACTED] vendor information guide for [REDACTED]
> > requirement for
> > package and labels.

> > If you have any questions, please let us know.

> > Regards,
> > Yuji Hidaka

H000200

TRADE SECRET/COMMERCIALY
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----- Original Message -----

Subject: Trip to Sharp [schedule fixed with 3/16]

Date: Thu, 19 Feb 2004 19:22:50 -0600

From: Masatugu Misu <masatsugu.misu@hitachi-hta.com>

To: Alisa Stolzman <alisa.stolzman@hitachi-hta.com>, Doug Kraneman
<doug.kraneman@hitachi-hta.com>

CC: Mike Levans <mike.levans@hitachi-hta.com>, Yuji Hidaka

<yuji.hidaka@hitachi-hta.com>, Dennis Battaglia

<dennis.battaglia@hitachi-hta.com>, Anthony Duda

<anthony.duda@hitachi-hta.com>, Hiroshi Shimazaki

<hiroshi.shimazaki@hitachi-hta.com>, Cheryl Ericksen

<cheryl.ericksen@hitachi-hta.com>, Laura Chaika

<laura.chaika@hitachi-hta.com>

Alisa, Doug,

I confirmed Sharp is available on 3/16 to discuss logistics.

Thank you.

Misu

H000202

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H000203

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SENSITIVE MATERIAL

----- Original Message -----

Subject: Re: psi sheets [SYLVANIA & SuperScan Order arrangement - Funail]

Date: Thu, 19 Feb 2004 19:26:57 -0600

From: Masatugu Misu <masatsugu.misu@hitachi-hta.com>

To: bcra57a@sears.com

CC: Chuck-San <cbacon1@sears.com>, Jackie-San <jblac49@sears.com>, Mike
Levans <mike.levans@hitachi-hta.com>, Yuji Hidaka

<yuji.hidaka@hitachi-hta.com>, Dennis Battaglia

<dennis.battaglia@hitachi-hta.com>, Alisa Stolzman

<alisa.stolzman@hitachi-hta.com>, Doug Kraneman

<doug.kraneman@hitachi-hta.com>, Cheryl Ericksen

<cheryl.ericksen@hitachi-hta.com>

References: <OF76B14F75.05EDE526-ON86256E3F.0062576A-86256E3F.0063160D@LocalDomain>

Mary-san,

I appreciate your taking time to discuss order
quantity and revised shipment arrangement.
Based on yesterday meeting, I arranged as follows :

1) New order

Model#	Q'ty	Ship Date
43203	8,120	5/22
47213	2,106	5/29

Line 5	10,136	
44754	6,750	5/15
44764	3,360	5/22
44784	3,420	5/22
44723	23,088	5/29

Line 16	36,618	

2) Push back request to factory

Model#	Q'ty	Orig.	Ship Date	Revised Ship date
49203	16,100		4/24	5/22
47202	5,950		3/20	4/24
	8,092		3/20	4/24
44712	3,360		3/13	3/27
	6,720		4/10	5/15

3) Pull up request to factory

Model#	Q'ty	Orig.	Ship Date	Revised Ship date

Q'ty	S/D
2,160	3/13
1,200	3/13
2,160	3/20

Best regards,
Misu

bcra57a@ [REDACTED] com wrote:

> (See attached file: syl ln 16 feb.xls) (See attached file: syl ln 5
> feb.xls)
> (See attached file: syl ln 7 feb.xls)
>

> [REDACTED]
> Requirements Analyst Televisions
>

> BCRA57A@ [REDACTED] COM

> Work [REDACTED]

> Fax: [REDACTED]
>

H000204

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

Subject: Re: SuperScan 19"Triple Spot deal

Date: Wed, 18 Feb 2004 21:01: +0900

From: kitada-shigemi@nst.hitachi-hitec.com

To: Masatsugu Misu <masatsugu.misu@hitachi-hhta.com>

CC: Mike Levans <mike.levans@hitachi-hhta.com>, Yuji Hidaka

<yuji.hidaka@hitachi-hhta.com>, Dennis Battaglia

<Dennis.Battaglia@hitachi-hhta.com>, Hiroshi Shimazaki

<hiroshi.shimazaki@hitachi-hhta.com>, Anthony Duda

<anthony.duda@hitachi-hhta.com>, taki-tsutomu@nst.hitachi-hitec.com,

kawashima-tetsujiro@nst.hitachi-hitec.com, kuno-yuichiro@nst.hitachi-hitec.com,

aoki-daisuke@nst.hitachi-hitec.com

(Misu),

We got Funai's design for 19"Triple play ('04 version) as per attached.

Funai changed from previous 44723 front design as follows:

- * No "MP3" logo

- * put latest "Energy star logo"

Please get Sears approval based on this sketch.

Since lead time is limited, we would appreciate it if you can get the approval by return.

Best Regards,

----- Original Message -----

Subject: [Fwd: Product ID UPC Codes]
Date: Tue, 17 Feb 2004 16:02:39 -0600
From: Yuji Hidaka <yuji.hidaka@hitachi-hita.com>
Organization: Hitachi High Technologies America, Inc.
To: Alisa Stolzman <alisa.stolzman@hitachi-hita.com>
CC: Doug Kraneman <doug.kraneman@hitachi-hita.com>, Dennis Battaglia <dennis.battaglia@hitachi-hita.com>, Anthony Duda <anthony.duda@hitachi-hita.com>, Mike Levans <mike.levans@hitachi-hita.com>

(Alisa),

I have been communicating with HHEA and Hitachi Digital Media division (DMD in Japan) for the development of SuperScan 42" Plasma TV.

When I visited Hitachi DMD last week, they requested me to list up the items which they have to submit such as product evaluation samples, draft of operation manuals, service manuals, parts list, labels (Rating labels, shipping labels, Bar code labels), etc.

Then, (Kitada) kindly gave me the follow up chart which they use for Funai products. I passed it to (Anthony) with a couple of questions. (How many lab. samples we have to provide, Do we have to provide parts sample...). Then, he also gave me the attached files of Sears vendor information.

I simply transferred those files to Hitachi and they requested me to list up the item # which Hitachi has to consider.

I think ev13.pdf and ev14.pdf (ev 9.pdf too?) are related to your dept. and I would appreciate if you can list up the items which Hitachi has to refer in those documents.

Regards,
Y. Hidaka

----- Original Message -----

Subject: Product ID UPC Codes
Date: Fri, 13 Feb 2004 14:56:54 -0600
From: Anthony Duda <anthony.duda@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: Yuji Hidaka <yuji.hidaka@hitachi-hhta.com>, Alisa Stolzman <alisa.stolzman@hitachi-hhta.com>
CC: Doug Kraneman <doug.kraneman@hitachi-hhta.com>, "dennis.battaglia@hitachi-hhta.com" <dennis.battaglia@hitachi-hhta.com>

Hidaka-san,

here are the product labeling required by [REDACTED]

Alisa-could you please confirm these are correct?

Thanks,

Anthony

H000208

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----- Original Message -----

Subject: SuperScan 42" Plasma

Date: Sat, 14 Feb 2004 11:37:48 -0600

From: Yuji Hidaka <yuji.hidaka@hitachi-hta.com>

Organization: Hitachi High Technologies America, Inc.

To: Takahiko Nakae <takahiko.nakae@hhea.hitachi.com>

CC: yoshiyuki.sakurai@hhea.hitachi.com,

masahiko.umeda@hhea.hitachi.com, Masanori Yoshino

<yoshino3@itg.hitachi.co.jp>, Atsushi Aita <aita@itg.hitachi.co.jp>,

Yoshinori Ishida <yoshinori-ishida@itg.hitachi.co.jp>, Mike Levans

<mike.levans@hitachi-hta.com>, Anthony Duda

<anthony.duda@hitachi-hta.com>, Dennis Battaglia

<dennis.battaglia@hitachi-hta.com>

(Nakae),

1. I made the development follow up chart as attached. (75224 Develop follow up chart.xls)
It shows what we have to provide to Sears such as evaluation samples, parts list, user (operation manual), service manual, carton box, labels, etc.
2. I will attach the copy of rating label for SuperScan 19" Triple Play (19" CTV/DVD/VHS triple combo made by Funai.) So, please refer it when HHEA will design rating label for SuperScan 42" plasma.
3. I also attach [REDACTED] vendor information guide for Sears requirement for package and labels.

If you have any questions, please let us know.

Regards,
Yuji Hidaka

----- Original Message -----

Subject: Re: Hitachi High-Tech CLR Attendance

Date: Thu, 09 Oct 2003 15:26:32 -0500

From: Mike Levans <mike.levans@hitachi-hhta.com>

Organization: Hitachi High Technologies America, Inc.

To: [REDACTED]

CC: [REDACTED], "Duda, Anthony"

<anthony.duda@hitachi-hhta.com>, "Taki, Tsutomu"

<taki-tsutomu@nst.hitachi-hitec.com>, "Kitada, Sammy"

<kitada-shigemi@nst.hitachi-hitec.com>

References:

<AB42F9FBCB2FAE40B93B20D7C1E1190C0112C02C@EMAILSTORE06 [REDACTED]>

[REDACTED]

This is to confirm the names of our staff attending the CLR: (Total 4)

A. Hitachi High Technologies America, Inc. (Shaumburg, IL)
Mike Levans, Vice President/GM, Electronic Products Division
Anthony Duda, National Account Manager

B. Hitachi High-Technologies Corporation (Tokyo)
Tsutomu Taki, GM Information, Home Electronics Department
Shigemi Kitada, National Account Manager

Please let us know if you need further information at this time.

Regards,

--
Mike Levans

Hitachi High Technologies America, Inc.

Phone: 847-273-4336

Cell: 847-924-1613

H000211

TRADE SECRET/COMMERCIALY
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Subject: [REDACTED] Price List
 Date: Mon, 20 Oct 2003 18:50:15 -0500
 From: Masatsugu Misu <masatsugu.misu@hitachi-hhta.com>
 Reply-To: masatsugu.misu@hitachi-hhta.com
 Organization: Hitachi High Technologies America, Inc.
 To: Mike Levans <mike.levans@hitachi-hhta.com>, "kitada-shigemi@nst.hitachi-hitec.com"
 <kitada-shigemi@nst.hitachi-hitec.com>
 CC: "taki-tsutomu@nst.hitachi-hitec.com"
 <taki-tsutomu@nst.hitachi-hitec.com>, "kawashima-tetsujiro@nst.hitachi-hitec.com"
 <kawashima-tetsujiro@nst.hitachi-hitec.com>, Yuichiro Kuno
 <kuno-yuichiro@nst.hitachi-hitec.com>, "aoki-daisuke@nst.hitachi-hitec.com"
 <aoki-daisuke@nst.hitachi-hitec.com>, "shishido-rieko@nst.hitachi-hitec.com"
 <shishido-rieko@nst.hitachi-hitec.com>, Yuji Hidaka
 <yuji.hidaka@hitachi-hhta.com>, Dennis Battaglia
 <dennis.battaglia@hitachi-hhta.com>, Anthony Duda
 <anthony.duda@hitachi-hhta.com>, Alisa Stolzman
 <alisa.stolzman@hitachi-hhta.com>, Doug Kraneman
 <doug.kraneman@hitachi-hhta.com>, Cheryl Ericksen
 <cheryl.ericksen@hitachi-hhta.com>, Ilona Porebski
 <ilona.porebski@hitachi-hhta.com>, Laura Chaika
 <laura.chaika@hitachi-hhta.com>

Mike, Kitada,

As promised, we updated price list as per attached sheet for [REDACTED] business. I break down even our commission of 5.5% to investigate how much allowance we will have in profit. As of right now, we finally finish TVs, so I'd like to send you in advance for your reviewing. Please see the attached price chart for the details :

(1) SuperScan - TV

a) Reservation <STEP 1>

As Sammy mentioned in the meeting, we will be able to commit to reduce for the reservation cost as follows. When we make a reservation to "0", we can reduce following price at [REDACTED] buying price basis :

Item	Reduction allowance @ [REDACTED] FOB
13" TV	\$ 1.80
19" TV	\$ 2.46
20" PF TV	\$ 2.92
27" TV	\$ 4.61
27" PF TV	\$ 6.16
32" TV	\$ 7.25

15" LCD \$ 8.40

b) Profit (Total HHT + HTA) <STEP 2>

When we cut our profit, we can reduce following price at [REDACTED] buying price basis:

Item	Reduction allowance @ [REDACTED] FOB
13" TV	\$ 2.15
19" TV	\$ 2.81
20" PF TV	\$ 3.78
27" TV	\$ 5.15
27" PF TV	\$ 6.93
32" TV	\$ 8.30
15" LCD	\$10.79

c) Factor of cost reduction from Funai <STEP 3>

We can expect 1.5% less cost from Funai considering Sylvania brand royalty. I am not sure if it is negotiable with Funai, but we can consider as a factory of cost reduction from Funai. We can expect to reduce following price at [REDACTED] buying price basis :

Item	Reduction allowance @ [REDACTED] FOB
13" TV	\$0.77
19" TV	\$1.07
20" PF TV	\$1.32
27" TV	\$1.99
27" PF TV	\$2.68
32" TV	\$3.15
15" LCD	\$3.64

d) a)+b)+c) = maximum reduction allowance

Item	Reduction allowance @ [REDACTED] FOB
13" TV	\$ 4.72
19" TV	\$ 6.34
20" PF TV	\$ 8.02
27" TV	\$11.75
27" PF TV	\$15.77
32" TV	\$18.70
15" LCD TV	\$22.83

This is the current my idea what I have in mind for the reduction allowance for [REDACTED] business. I'll keep studying by Wednesday. I personally think we may need to accept low profit to get SKU first. I hope above calculation will help you, and GOOD LUCK on Wednesday meeting.

Subject: Meeting with [REDACTED]
Date: Thu, 23 Oct 2003 06:14:25 +0900
From: Sammy Kitada <kitada-shigemi@nst.hitachi-hitec.com>
To: mike.levans@hitachi-hhta.com, yuji.hidaka@hitachi-hhta.com, Dennis Battaglia <dennis.battaglia@hitachi-hhta.com>, Masatsugu Misu <masatsugu.misu@hitachi-hhta.com>, Hiroshi Shimazaki@hitachi-hhta.com, Anthony Duda <anthony.duda@hitachi-hhta.com>, Taki Tsutomu <taki-tsutomu@nst.hitachi-hitec.com>, kawashima-tetsujiro@nst.hitachi-hitec.com, kuno-yuichiro@nst.hitachi-hitec.com, aoki-daisuke@nst.hitachi-hitec.com
CC: shigehiko.kobayashi@hitachi-hhta.com, "(Naga)" <nagao-hidenori@nst.hitachi-hitec.com>, Alisa Stolzman <alisa.stolzman@hitachi-hhta.com>, Doug Kraneman <doug.kraneman@hitachi-hhta.com>

(Levans) (Duda) (Taki) Kitada visited Minneapolis and had meeting with [REDACTED] for 2004 business. Unfortunately, we can not get order commitment for Hitachi brand this time. However, [REDACTED] will held on OPP session in Apr./'04 (this time National brand only) and it is possible for us to make business for SuperScan brand at that time. We will keep to work for SuperScan business possibility with [REDACTED]. 1. Attended vendor Panasonic, Toshiba, JVC, Samsung, Memorex, RCA, Daewoo, Hitachi, Go Video, Polaroid, Sharp, Philips-Magnavox, Remarks) * [REDACTED] invited Sony, but Sony did not attend both 10/20 and 10/22 meeting. * Hisense attended 10/20 meeting, but they did not attend 10/22 meeting. 2. [REDACTED] Opening speech by Mr. [REDACTED] on 10/20 [REDACTED] will decide national brand assortment during this session (10/20-10/22). As for OPP products, they will held another session in Apr. and will not discuss it this time. [REDACTED] also mentioned LCD TV discussion will not be held in this RFQ. [REDACTED] has 3 objective as follows: * Unique content (Of Product Offering) * Brand Experience (Positioning) * Offer Value Positioning (To End Consumer) 3. HTA presentation to [REDACTED] on 10/20 (1:45PM-2:00PM) Attendance : [REDACTED]; Mr. [REDACTED]/SR. Buyer Video

products
products
guy
Mr. [REDACTED] Buyer Video
Mr. xxx/Financial
Mr. YYY HTA :
(Levans) (Duda), HHT; (Taki) kitada a. HTA presentation We had meeting at HTA booth (we displayed Hitachi & SuperScan products well per separate picture). (Levans) explained our appeal point to [REDACTED] based on presentation material. (See separate materials) b. [REDACTED] Reaction [REDACTED] did not make comment basically and just asked question as follows: * Can HTA put Hitachi brand for SuperScan TV products ? (by Mr. [REDACTED]) --> We replied "No" at this moment. * Do you have MAP Policy ? (by Mr. [REDACTED]) --> We replied "Yes" for Hitachi brand and "No" for SuperScan brand. c. Other General Comments: * [REDACTED] said he can understand HTA strategy or suggestion that [REDACTED] needs to consider to have "New Technology" End Cap... --> He said now [REDACTED] is discussing such a strategy internally. * [REDACTED] asked if Hitachi DVD will have "FL" display on 2004 model. --> We replied "Yes" even though design sketch did not show it clearly. * HTA explained that even though [REDACTED] will nor consider DVD-CAM or

LCD-TV at this time, we think that [REDACTED] should expand to these categories in the near future.... 4. [REDACTED]-HTA meeting on 10/22 AM (10:30AM-10:45AM) Attendance : [REDACTED]; Mr. [REDACTED]/SR.Buyer Video products Mr. [REDACTED] Buyer Video products Mr. xxx/Financial guy Ms. [REDACTED]/MP-Senior Business Analyst Ms. [REDACTED]/Swat Buyer Ms. [REDACTED] MP (we are not sure what is MP, is it Merchandise Planner or ?? We

have no chance/time to exchange name card and just hold name/title card... on desk...) HTA : (Levans) (Duda), HHT; (Taki) kitada a. Mr. [REDACTED] explained as follows: * [REDACTED] likes Hitachi name and likes Hitachi limited distribution which is [REDACTED] to not sell it to [REDACTED]. * [REDACTED] is thinking to pick up Hitachi DVD player very positively. * [REDACTED] likes 2004 design but needs full color carton designs to draw customer attention. * [REDACTED] said starting business with new vendor for only 1 or 2 Skus is sometimes risky and requires extra effort by both parties to succeed. * [REDACTED] requires vendor to support price protection with hold margin in case of price reduction. * [REDACTED] need vendor's support for display models (to supply free unit or [REDACTED] to supply Mock up sample to 1,250 of all stores.) b. Discussion * [REDACTED] Request to HTA [REDACTED] gave vendor input sheet and asked us to confirm within 20 minutes as per separate sheet. (yellow back = marked by HTA). Retail price : \$69.99 FOB -china : \$56.00 (import) FOB -LA : \$58.00 (domestic) Annual QTY : 40,000 pcs (Estimate) Ship Date : No later than March 22, 2004 domestically As for Case packs, (Levans) asked what is it to [REDACTED] financial guy and he said "does not matter". * FOB point Considering buying quantity, lead time etc. [REDACTED] will start domestic Hitachi brand business first and if sales will pick up, it is possible to make Import business. * Initial order quantity 4K-5K (1 to show, 1 to go + alpha) (1,250 stores x 2 + alpha) * Dual Deck * [REDACTED] can not buy Hitachi Dual Deck because they received a lot of competitive offer from others ([REDACTED] will have only 4-SKU for Dual Deck in 2004) c. SuperScan Mr. [REDACTED] said our SuperScan price offer is extremely competitive. [REDACTED] will surely invite us for OPP session in Apr./'04. (invitation letter will be sent 6 weeks before session). This potential OPP business will be for 3Q/4Q in 2004. --> HTA mentioned this is appreciated, however if possible [REDACTED] should consider maybe 1-Key OPP item sooner in order to hit Spring/Summer 2004 * This meeting seems good, but afternoon meeting result was as follows... 5. [REDACTED]-HTA meeting on 10/22 PM (3:15PM-3:17PM) Attendance : [REDACTED]; Mr. [REDACTED]/SR.Buyer Video products Mr. [REDACTED] Buyer Video products Mr. xxx/Financial guy Ms. [REDACTED]/Swat Buyer Ms. [REDACTED] MP a. [REDACTED] decision Mr. Hamilton explained Hitachi DVD did not set financial

Vendor Name

Volume Rebates - See Note*		Vendor Terms	
Ad Allowance %	2.00%	Discount - 1% Net 15*	Import
Ad Allowance % "On Net Statement"	\$25,000	Days to Pay	Domestic
Ad Allowance % Capped	\$25,000	New Store Date	
Ad Allowance %	\$25,000	New Store Days	
Other % (i.e. Signing) * Per Model	\$25,000	LTU/L	
Other %		Definitive Policy "Except OAM"	

*Note: HTA will provide + 0.5% Volume rebate for total purchases exceeding \$50,000 (COMBINED) units during the calendar year.

Category	Item	Vendor Style#	Total Units	FOB Import Pmt%	Import Unit Cost	Domestic Unit Cost	Domestic Pmt%	MSRP Unit Retail	Units per Casepack	Length (in. inches)	Width (in. inches)	Height (in. inches)	Weight (in. pounds)	Import (City, Country)	FOB point (City, State)	Day Rate
DVD-Productive	15		10,000	20.0%												
								\$ 2,750,000								

Yellow Back - marked by HTA

HTA copy	Program Set Date	Week of April 28th, 2004
OK	Ship Date	No later than March 22, 2004 domestically
OK	Casepacks	Vendor must comply with casepack design and artwork requirements. Requests in order to
OK	Price Protection	Vendor agrees to hold prices for 90 days from the date of purchase. If a price reduction is initiated
OK	Commitment	regular retail reductions during the length of the agreement.
OK	Defective Policy	The protected sales dollars and units do not represent a commitment by Vendor to cover actual defective, per
	Transition Method	Vendor to cover actual defective, per
	Ad Allowance	Vendor to pay actual cost of markdowns (at Retail) for comparable item(s) you are replacing up to 2 units per ad.
OK	Signing Allowance	Vendor to pay \$40,000 per column (Jan-Oct), \$60,000 per column for premium space and holiday circular advertising and \$80,000 per column for any front cover exposure.
OK	Others:	Actual cost associated for new items signing. (Cost not to exceed \$2,000 per sign)
		Participation in 2004 Direct Mail campaign at \$16,000 per slot. (capped at 4 slots maximum)

Remarks:
 * Capped at Maximum \$10.00 per unit of actual MD
 ** Ad Allowance is increased to 2% of net shipments
 - will consider over & above advertising based on mutual planning going forward.

H000253

TRADE SECRET/COMMERCIALY SENSITIVE MATERIAL

Subject: Re: [REDACTED] OPP Line Review - GOOD NEWS !
Date: Wed, 11 Feb 2004 17:14:51 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: "Taki, Tsutomu" <taki-tsutomu@nst.hitachi-hitec.com>, "Kawashima, Tetsujiro" <kawashima-tetsujiro@nst.hitachi-hitec.com>, "Kitada, Sammy" <kitada-shigemi@nst.hitachi-hitec.com>, "Kuno, Yuichiro" <kuno-yuichiro@nst.hitachi-hitec.com>, "Aoki, Daisuke" <aoki-daisuke@nst.hitachi-hitec.com>, "Nagao, Hidenori" <nagao-hidenori@nst.hitachi-hitec.com>, "Hidaka, Yuji" <yuji.hidaka@hitachi-hhta.com>, "Battaglia, Dennis" <dennis.battaglia@hitachi-hhta.com>, "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>, "Shimazaki, Hiroshi" <hiroshi.shimazaki@hitachi-hhta.com>, "Kobayashi, Shigehiko" <shigehiko.kobayashi@hitachi-hhta.com>

Taki, All,

Good news ---

Mr. [REDACTED], VP [REDACTED] called me within 30 minutes after I sent below message today ---

1. [REDACTED] is now deciding who will be invited to their OPP Line Review:

=> He asked if we can sent him our 1st quote by e-mail (based on the same format we used for last RFQ in October 2003) --

=> If we can do so by 8:00am Monday 2/16 -- Then [REDACTED] will decide if HTA should be included or not in the 2004 OPP RFQ --

=> He said that he is doing this to kick out some vendors who may not be competitive from the beginning and to make the RFQ process (schedule) shorter --

=> I told him we will try to do our best to submit some initial 1st cost quotation by Monday 8:00am

2. [REDACTED] then asked if we would be quoting as SuspeScan brand:

=> I said yes, we would because we can not quote Hitachi brand as OPP etc. --

=> Then he said, could we accept to quote as [REDACTED] or 'Some Other Brand' that [REDACTED] owns --- THIS IS THE GOOD NEWS ---

=> I said of course, pure OEM is our speciality and I reminded him that we proposed [REDACTED] brand solution in our 1st meeting with him etc -- We discussed [REDACTED] recent activity for [REDACTED] etc. and [REDACTED] said that [REDACTED] understands they need to make a stronger 2004 effort in

OPP -- He said [REDACTED] did not do a good job so far using [REDACTED] brand and now they will get more aggressive etc... It sounds like they may have rights to some other brand now --

3. Next step:

=> We must rush to submit a 1st cost quote based on the attached original that we submitted in Oct/2003 -- I appreciate if HHT can quickly make cost calculation and update the attached chart by Friday 1/13 Chicago time as HTA offices will be closed Monday 1/6 for President's Day Holiday --

=> We should submit only OPP models for CTV/COMO/LCD TV and maybe DVD/DVD recorder -- Unfortunately we can not submit for portable LCD player this time as [REDACTED] said they will not consider portable in this OPP RFQ --

=> We should keep in mind that we will need to discount more + add some promotional support etc. at the final stage based on our 1st experience -- So, the goal with this 1st cost submission is to be competitive enough to ensure the invitation to the RFQ -- However, we should keep some pocket for the final stage --

=> This should be very positive news for Funai and we will need their top level cooperation to win this business -- We need everyone to move quickly !

I will call to Taki tonight --

Regards,

----- Original Message -----

Subject: Re: OPP Line Review

Date: Wed, 11 Feb 2004 16:01:57 -0600

From: Mike Levans <mike.levans@hitachi-hhta.com>

Organization: Hitachi High Technologies America, Inc.

To: [REDACTED]

CC: [REDACTED], "Taki, Tsutomu"

<taki-tsutomu@nst.hitachi-hitec.com>, "Hidaka, Yuji"

<yuji.hidaka@hitachi-hhta.com>

References:

<F620FC977CA97C459CC98439A4DEF8A5018714D8@EMAILSTORE14[REDACTED].com>

Good Afternoon [REDACTED]

Sorry we missed you at CES... We are wondering if you still plan to hold the OPP Line review for 2004 sometime soon ? Please advise....

Regards,

Mike Levans

Hitachi High Technologies America, Inc.

Phone: 847-273-4336

Cell: 847-924-1613

H000255

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

Subject: Re: [REDACTED] OPP Line Review
 Date: Fri, 13 Feb 2004 15:00:07 -0600
 From: Mike Levans <mike.levans@hitachi-hhta.com>
 Organization: Hitachi High Technologies America, Inc.
 To:
 kitada-shigemi@nst.hitachi-hitec.com,kawashima-tetsujiro@nst.hitachi-hitec.com,aoki-
 daisuke@nst.hitachi-hitec.com,dennis.battaglia@hitachi-hhta.com,hiroshi.shimazaki@hitachi-
 hta.com,kuno-yuichiro@nst.hitachi-hitec.com,masatsugu.misu@hitachi-hhta.com,
 mike.levans@hitachi-hhta.com,nagao-hidenori@nst.hitachi-
 hitec.com,shigehiko.kobayashi@hitachi-hhta.com,taki-tsutomu@nst.hitachi-hitec.com,
 yuji.hidaka@hitachi-hhta.com
 References: <OF54046FD1.DFEBE5DE-ON49256E39.002EE6D3@LocalDomain>
 <402CE0AC.E28CF1C6@hitachi-hhta.com>

Today I talked with (Ito) Funai Corp. -- I explained my curent postion as follows:

1. History of HTA action to [REDACTED]

=> From August 2003 Suwa asked HHT/HTA to get into [REDACTED] -- We worked from then until now as a two brand strategy (SuperScan + Hitachi brand) and we continue that effort through today --

=> I stressed that the advantage HTA has (that Funai can not do) is to offer high quality products from OPP up to Tier 1 expenisve new technology etc -- This is why [REDACTED] likes HTA so much -- They can do business through one single point of contact for such a wide range of products etc. --

=> I mentioned that I understand fully that Funai has direct relationship with HHEA, but I also know it does not go well -- The main reason is that HHEA can not sell the products and has (in the recent past) not been aggressive to grow the video business at all --

=> So, HTA's strategy (long term) to get into [REDACTED] is to offer not only Funai products as SuperScan or [REDACTED] etc., but also as Hitachi brand (DVD, Dual Deck, DVD recorder, LCD-TV etc.) as Hitachi brand made by Funai -- We can not promise this from the beginning, but this is our long term goal --

2. (Ito's) comments:

=> Ito visited [REDACTED] on 1/30/04 as a courtsey call -- He met with [REDACTED] and [REDACTED] -- They apparently do this each new year even though no business --

=> At that time, [REDACTED] told Funai Corp. they can participate in internet bidding around End of March for OPP products -- [REDACTED] said he knows that Mr. [REDACTED] does not have good feeling on Funai, but [REDACTED] himself likes Funai etc. --

=> Anyway, as of today (Ito) confirmed Funai Corp. did not submit any quote to [REDACTED] (Ito) himself is not so sure Funai should try to get into target for OPP as he is afraid of the conflict with [REDACTED] & [REDACTED]

& [REDACTED] etc. --

=> On the other hand, he agrees that [REDACTED] must be one of the good company for future growth considering Funai already has major share of [REDACTED] business etc. --

=> (Ito) thinks Funai has to create step up business some how & I felt he understood HHT/HTA can help him by working to grow Hitachi brand as much as possible --

3. (Misu) found from (Fukuda) separately today that Funai received the inquiry from [REDACTED] for the following products:

- * 13"/19"/27" CTV
- * 20"/27" PF CTV
- * 9" TVCR
- * 13"/19" TVCR
- * DVD Player
- * DVD Dual Deck
- * 4HD VCR

4. Conclusion:

=> (Ito) understood that HTA needs Funai's decision within this weekend
-- I told him HHT will meet with Suwa tomorrow --

=> (Ito) did ask me how HTA can take care of warranty and returns -- I told him from last October, my understanding was that Funai could agree to take care of returns even under SuperScan, but I can understand it is not so easy to do for OEM operation -- In the worst case, I told him HTA can consider how to take care of this by outside company etc. --

=> (Ito) will consult internally with his staff today and he will call to (Ebina) tonight with his opinion --

I am not sure, but I think he may inform Funai Osaka to allow us to proceed -- Please call me if you have questions before you meet Suwa --

--

Mike Levans
Hitachi High Technologies America, Inc.
Phone: 847-273-4336
Cell: 847-924-1613

H000266

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: "Taki, Tsutomu" <taki-tsutomu@nst.hitachi-hitec.com>, "Hidaka, Yuji" <yuji.hidaka@hitachi-hhta.com>, "Kawashima, Tetsujiro" <kawashima-tetsujiro@nst.hitachi-hitec.com>, "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>
CC: "Nagao, Hidenori" <nagao-hidenori@nst.hitachi-hitec.com>, "Kobayashi, Shigehiko" <shigehiko.kobayashi@hitachi-hhta.com>
References:
<F620FC977CA97C459CC98439A4DEF8A5018714D8@EMAILSTORE14.target.com>
<402AA655.DF32B76E@hitachi-hhta.com>
<4030CAE4.1FCCB193@hitachi-hhta.com>
<403A1199.9FB5B56A@hitachi-hhta.com>

All,

I decided to send the below message to [REDACTED] this morning as I do not want HTA/EPD to appear unresponsive to [REDACTED] request -- Depending on his reply we should decide to move forward with alternative proposals with next 1-week...

Tks,

Mike Levans wrote:

>
> Good Morning [REDACTED]
>
> Sorry to keep you waiting, but it has been determined that since you
> have already contacted Mr. Ito's group at Funai NJ, he will be
> submitting the 1st cost on many of the OPP items we currently offer
> under the SuperScan brand... Mr. Ito is a strategic partner of ours and
> we expect that he will offer [REDACTED] an excellent proposal...
>
> On the other hand, if you can wait a week or so we too would like to
> submit some alternative sourcing proposals, especially in 27" & above
> CTV products...
>
> In the mean time, could you clarify for me if this will be an internet
> auction process or more like the Tier-2 process we participated in last
> October ?
>
> Regards,
>
> --
> Mike Levans
> Hitachi High Technologies America, Inc.
> Phone: 847-273-4336
> Cell: 847-924-1613

--
Mike Levans
Hitachi High Technologies America, Inc.

Subject: [Fwd: RE: [REDACTED] OPP Line Review]
Date: Mon, 23 Feb 2004 09:23:09 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: "Hidaka, Yuji" <yuji.hidaka@hitachi-hhta.com>, "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>, "Battaglia, Dennis" <dennis.battaglia@hitachi-hhta.com>, "Shimazaki, Hiroshi" <hiroshi.shimazaki@hitachi-hhta.com>, "Kobayashi, Shigehiko" <shigehiko.kobayashi@hitachi-hhta.com>, "Taki, Tsutomu" <taki-tsutomu@nst.hitachi-hitec.com>, "Kawashima, Tetsujiro" <kawashima-tetsujiro@nst.hitachi-hitec.com>, "Nagao, Hidenori" <nagao-hidenori@nst.hitachi-hitec.com>

Fyi,

See below responses from [REDACTED] -- We have one more week to submit some general quote from alternative sourcing -- It sounds like even Funai has not been formally invited to participate until they submit some 1st cost information... He does not yet answer if this will be internet auction or not though... When I talked with Ito, he said internet auction was his understanding...

Tks,

----- Original Message -----
Subject: RE: OPP Line Review
Date: Mon, 23 Feb 2004 09:02:27 -0600
From: [REDACTED] <[REDACTED]>
To: Mike Levans <mike.levans@hitachi-hhta.com>

Mike, If mister Ito's team is providing first costs; I think we are OK. We have not sent out any invitations yet so if you have some overly compelling information 7 days from now please submit. This does not mean that you a guaranteed an invite.

[REDACTED]
-----Original Message-----
From: Mike Levans [mailto:mike.levans@hitachi-hhta.com]
Sent: Monday, February 23, 2004 8:57 AM
To: [REDACTED]
Subject: Re: OPP Line Review

[REDACTED]
Does this mean yes, you can wait a week or no, it's outside your time table ?

Please advise...

Thanks,

H000268

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

Mike Levans
Hitachi High Technologies America, Inc.
Phone: 847-273-4336
Cell: 847-924-1613

[REDACTED] wrote:

>
> Thanks Mike!!
>
> -----Original Message-----
> From: Mike Levans [mailto:mike.levans@hitachi-hhta.com]
> Sent: Monday, February 23, 2004 8:44 AM
> To: [REDACTED]
> Cc: Taki, Tsutomu; Hidaka, Yuji; Kawashima, Tetsujiro; Misu, Masatsugu
> Subject: Re: OPP Line Review
> Importance: High
>
> Good Morning [REDACTED]
>
> Sorry to keep you waiting, but it has been determined that since you
> have already contacted Mr. Ito's group at Funai NJ, he will be
> submitting the 1st cost on many of the OPP items we currently offer
> under the SuperScan brand... Mr. Ito is a strategic partner of ours
> and we expect that he will offer [REDACTED] an excellent proposal...
>
> On the other hand, if you can wait a week or so we too would like to
> submit some alternative sourcing proposals, especially in 27" & above
> CTV products...
>
> In the mean time, could you clarify for me if this will be an internet

> auction process or more like the Tier-2 process we participated in
> last October ?
>
> Regards,
>
> --
> Mike Levans
> Hitachi High Technologies America, Inc.
> Phone: 847-273-4336
> Cell: 847-924-1613

H000269

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

----- Original Message -----

Subject: Re: Sharp CTV,CTV/Combo to [REDACTED]
Date: Wed, 25 Feb 2004 08:44:31 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: Masatugu Misu <masatsugu.misu@hitachi-hhta.com>
CC: Shigehiko Kobayashi <shigehiko.kobayashi@hitachi-hhta.com>, Yuji
Hidaka <yuji.hidaka@hitachi-hhta.com>
References: <403BEFF6.2010307@hitachi-hhta.com>
<403C62A0.7030502@hitachi-hhta.com>

Misu,

Yes I will talk with Taki more, but my direction was clear -- We should get Sharp's cost idea immediately based on Sharp president's acceptance to investigate this opportunity as OEM business --

I fully understand the potential for conflict or political problem with Funai, but EPD will no longer just sit and wait for Funai's direction through HHT -- I am using this issue for two reasons:

1. To have HHT and Funai wake up and understand that EPD is an aggressive, professional sales team who will promote their products as strongly as possible -- However if they choose to cut EPD, then EPD is free to investigate other vendors in order to grow our business --
2. To show [REDACTED] that EPD is much more than just a sales rep and to have them understand we can be a strategic long term partner in the future --

Anyway, after you get Sharp's CTV cost we will decide to submit it or not -- Even if we submit now as a 1st quote, we can always withdraw later and smartly explain to Sharp that Target selected another vendor etc -- I need the cost by early next week --

In the mean time, please remember that you do not work for HHT - You work for EPD --

Thanks,

Masatugu Misu wrote:

- >
- > I was trying to adjust our internal HHT & HTA situation.
- > HHT especially (Taki) is strongly disagree to proceed Sharp SuperScan
- > when they consider Funai
- > situation. (Hidaka) also agree to it. I thought everything was clear to
- > proceed it, and HHT
- > was accepted us to offer Sharp, but situation becomes more difficult.
- >
- > I've already done sales plan / product line, but we have to fix our
- > internal situation first.
- > Of course, I've already discussed with (Watanabe), and I am keep waiting
- > him which I
- > do not want to do. However, situation is totally different from I thought.
- >

> In addition to this, (Taki) is requesting us to wait until 2/26 until
 > (Suwa) made decision.
 > Actual, Mr. Ito told Mike that they cannot accept us to offer to
 > target, but it was only
 > Mr. Ito's decision. I will back to office on 2/25(Wed), and I plan to
 > call Mr. Watanabe to
 > explain the situation, then I will send the target cost, and quantity.
 > Then, I'll ask him to prepare the quotation by Friday for only CTV.
 >
 > Combo products may need time to offer quote, and we would like to proceed
 > CTV quotation first with attractive cost, then we would like to submit
 > combo
 > products later.
 >
 > (Mike),
 >
 > If possible, would you please discuss with (Taki) for this issue separately.
 > Best regards,
 > Mitsu
 >
 > Shigehiko Kobayashi wrote:
 >
 > >Did you make any sales plan/product line up with quantity/target price
 > >for [REDACTED] Sharp?
 > >Do not let me and Mr. Harada/Sharp to wait without any information from you.
 > >Please make it and send to (Mike) and cc. to me as you promised as soon
 > >as possible.
 > >I know you are very/too busy but almost one week without any information
 > >is not acceptable at all.
 > >
 > >Kobayashi/EG
 > >
 > >
 > >
 > >
 > >

--
 Mike Levans
 Hitachi High Technologies America, Inc.
 Phone: 847-273-4336
 Cell: 847-924-1613

H000271

----- Original Message -----

Subject: Re: SuperScan Logo and Carton box drawing image of 19" super scan triple play

Date: Thu, 26 Feb 2004 08:39:48 -0500

From: Mike Levans <mike.levans@hitachi-hhta.com>

Organization: Hitachi High Technologies America, Inc.

To: Atsushi Aita <aita@itg.hitachi.co.jp>

CC: yuji.hidaka@hitachi-hhta.com,

mike.levans@hitachi-

hta.com, yoshiyuki.sakurai@hhea.hitachi.com, masahiko.umeda@hhea.hitachi.com,

yoshino3@itg.hitachi.co.jp, anthony.duda@hitachi-hhta.com,

dennis.battaglia@hitachi-hhta.com, alisa.stolzman@hitachi-hhta.com, Tak

Nakae <takahiko.nakae@hhea.hitachi.com>, a-omachi@design.hitachi.co.jp,

mizuka@itg.hitachi.co.jp, akira-nishimura@itg.hitachi.co.jp

References:

<402E5CEC.7090803@hitachi-hhta.com> <4037DAE0.9010701@hitachi-hhta.com>

<01cd01c3fc42\$25453700\$af939085@yokohama.hitachi.co.jp>

Art,

Our Anthony Duda in Chicago office is now arranging the high resolution SuperScan logo art...

=> Anthony, please reply to all on this e-mail when we can get the high resolution logo....

Thanks,

> Atsushi Aita wrote:

>

> Hello Mike and Mr. Hidaka,

>

> I'd like to have the Super Scan Logo at Adobe Illustrator (ai)

> application to create printing base for 42" VGA-TV.

> In the past, I've got the logo at powerpoint, but it is not enough

> for the final product designing.

>

> Please let me have the that logo and electronic data of carton box

> artwork for the reference of

> 42" Super Scan.

>

> Best Regards,

>

> A. Aita

>

--

Mike Levans

Hitachi High Technologies America, Inc.

Phone: 847-273-4336

Cell: 847-924-1613

----- Original Message -----

Subject: Re: SuperScan Funai Products to [REDACTED]
Date: Wed, 25 Feb 2004 15:02:46 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: "Taki, Tsutomu" <taki-tsutomu@nst.hitachi-hitec.com>, "Kawashima, Tetsujiro" <kawashima-tetsujiro@nst.hitachi-hitec.com>
CC: "Hidaka, Yuji" <yuji.hidaka@hitachi-hhta.com>, "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>, "Shimazaki, Hiroshi" <hiroshi.shimazaki@hitachi-hhta.com>, "Kobayashi, Shigehiko" <shigehiko.kobayashi@hitachi-hhta.com>, "Nagao, Hidenori" <nagao-hidenori@nst.hitachi-hitec.com>, "Kitada, Sammy" <kitada-shigemio@nst.hitachi-hitec.com>, "Battaglia, Dennis" <dennis.battaglia@hitachi-hhta.com>
References: <40200870.EB4E4C49@hitachi-hhta.com>
<402324C8.1000707@hhea.hitachi.com> <4023E4FA.FA129A18@hitachi-hhta.com>
<4027F8AF.7060904@hhea.hitachi.com> <403A1E3C.9F399106@hitachi-hhta.com>
<403A21E9.65A7DEB1@hitachi-hhta.com>

Taki, Tom,

Do you want to submit some tentative proposal to [REDACTED] for SuperScan/Funai products ? Competition will be Akai brand -- See below report which Shimazaki made --- Please advise --

I went to [REDACTED] by Meacham Rd. last night after work and checked AKAI products. FYI...

AKAI PDP

*50" HDTV monitor \$5299.99
--> Comes with TV stand and speakers
--> Universal Remote
--> 1366 x 768 resolution
--> L3.5" x W47.6" x H28.5"
--> Component/ S-Video

*42" EDTV \$2699.99
--> Comes with TV stand and speakers
--> Dual NTSC Tuner
--> 830 x 480 resolution

AKAI PTV

55" HDTV monitor (wide screen) \$1499.99
--> 2 tuner PIP
--> 3:2 pull down
--> 1080i capable

42" HDTV monitor \$999.99
--> 2 tuner PIP
--> 3:2 pull down

Both PTVs were shipped from Five River with a label saying :
assembled in USA.

AKAI combo

----- Original Message -----

Subject: Re: SuperScan to [REDACTED] Draft (Revised)
Date: Mon, 26 Jan 2004 19:17:56 -0600
From: Mike Levans <mike.levans@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: "Hidaka, Yuji" <yuji.hidaka@hitachi-hhta.com>, "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>
CC: "Taki, Tsutomu" <taki-tsutomu@nst.hitachi-hitec.com>, "Nagao, Hidenori" <nagao-hidenori@nst.hitachi-hitec.com>, "Kobayashi, Shigehiko" <shigehiko.kobayashi@hitachi-hhta.com>
References: <40154624.F1C47A2B@hitachi-hhta.com>

Hidaka, Misu,

Attached is my tentative idea to discuss with [REDACTED] tomorrow -- Please adjust/change as necessary -- It may be too aggressive, but this is the type of thing that will be needed to appeal to [REDACTED] and to kick out Memorex Plasma --

=> According to [REDACTED] the current mood at [REDACTED] is focused on how to avoid huge display markdown expenses for PDP --

=> I informed this target to HHEA (Nakae) and he said he will discuss with (Yoshino) tonight -- However, (Funatsu) would like to avoid transition support for SuperScan brand if possible -- For \$50 warranty credit I told (Nakae) it is kind of mandatory when he called me -- I told him that if HHEA wants to kick out Memorex, then they have to support some kind of transition expense and to remember if this deal goes through, we will control 4 out of 10 display position for [REDACTED] PDP -- In that case, HHEA must support -- The choice is up to HHEA basically... Even then it will not be easy to kill Memorex as the brand is much better than SuperScan and they offered \$1/million package deal etc. --

Understood that 19" triple is difficult and 35" CTV quote is not yet confirmed, but please try to finalize even tentively by tomorrow PM Chicago time --

The reason is pending line buyer review on Thursday --

=> Taki, Nagao, please do not show this attachment to Yokohama people --

Thanks,

--
Mike Levans
Hitachi High Technologies America, Inc.
Phone: 847-273-4336
Cell: 847-924-1613

----- Original Message -----

Subject: Re: [Fwd: Re:SuperScan Logo and Carton box drawing image of19"superscantriple play]
Date: Fri, 27 Feb 2004 10:11:37 -0600
From: Anthony Duda <anthony.duda@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: Yuji Hidaka <yuji.hidaka@hitachi-hhta.com>
CC: Alisa Stolzman <alisa.stolzman@hitachi-hhta.com>, Mike Levans <mike.levans@hitachi-hhta.com>, "Misu, Masatsugu" <masatsugu.misu@hitachi-hhta.com>, "Battaglia, Dennis" <dennis.battaglia@hitachi-hhta.com>
References: <403E06FC.D2B50898@hitachi-hhta.com>
<403E0FE6.A53DA230@hitachi-hhta.com>
<403E13D5.B83C2171@hitachi-hhta.com> <403E535B.20305@hitachi-hhta.com>
<403E6A66.DA1F6EDA@hitachi-hhta.com> <403E8CBB.1070106@hitachi-hhta.com>

Hidaka-san,

see attached carton box design for placement of labels.

Anthony

> Yuji Hidaka wrote:
>
> (Alisa),
>
> Thanks a lot for your kind and quick response.
>
> 1) UCC-128 Label
>
> a. Vendor address: Is this have to be HHEA? If so, please show
> the
> actual address by cross out
> example address by
> hand writing.
>
> b. Dept. #: Please also cross out the example # and pu 657(?) by
> hand writing.
>
> 2) Product ID label
>
> Please use the item # 75224 at the handwritten example which
> you wrote.
>
> 3) Other documents
>
> Please let me know if the following my understanding is correct.
>
> 1. Shipping documents
>

> Hitachi should refer 14.1, 14.DD, 14.DD.a., 14.DD.b.,
> 14.DD.c., 14.DD.d., 14.DD.e., 14.DD.f., and Figure 14-6

> 2. Packing Merchandise for Shipment.

> Hitachi has to refer 13. 1 and 13.3

> 3. Product Identification

> Hitachi has to refer all items (9.1 through 9.3b and Figure
> 9-1.

> 4. Shipment packaging Materials

> Hitachi has to refer 11.1, 11.1.a., 11.1.b., 11.1c, 11.DD,
> 11.DD.a.,
> 11.DD.b

> 5. Shipment labeling (Although you made the example)

> Hitachi should show 12.1., 12.2, 12.DD., 12.DD.a., 12.DD.b.,
> 12.DD.c.,
> 12.DD.d., Fig 12-3, RSOS/ISOS, Direct to store & direct to
> warehouse.

> (Anthony),

> Please draw out view of Carton box on the paper. (Size does not
> have to
> be accurate but it should show 6 faces such as top face, bottom face,
> 4 side
> faces). Then, show the location which Hitachi must put those labels
> on
> each face.

> Tks,
> Hidaka

> Alisa Stolzman wrote:

> > (Hidaka),

> > Please see the label information for the UCC-128 Shipping label and
> > the Product ID label (content label).

> > Tks,

> > Alisa

> > Yuji Hidaka wrote:

> > > (Alisa),

> > > I would appreciate if you can respond below request from Mike
> > > today
> > > so that I can discuss with Hitachi DMD in Taiwan in this weekend.

> > > Tks,

> > > Hidaka

> > > Mike Levans wrote:

> > > > Alisa,

> > > > We need to be more specific or the Japan people will not
> > > > understand and

> > > will get confused easily --

> > > 1. Delete or cross out all instructions except those necessary for [REDACTED] or [REDACTED] etc.

> > > DDC

> > > --- (RRC, Fashion etc.)...

> > > 2. Create a DDC sample labe using dept 657 in excell etc. -- Get

> > > the

> > > actual [REDACTED] stock number from [REDACTED] -- The examples shown are

> > > for

> > > fashion flow thru and RRC etc....

> > > 4. Highlight (hand written is fine) and add specific instructions

> > > on the

> > > DDC sheets as necessary to make it clear to a third grader step

> > > 1,2,3

> > > and so on...

> > > Rescan the document ...

> > > Sorry, but just passing the [REDACTED] instructions will not work...

> > > Thanks,

> > > Alisa Stolzman wrote:

> > >

> > > Mike,

> > > Attached please find [REDACTED] Shipping label instructions for DDC

> > > (Direct Delivery)

> > > shipments.

> > > Tks,

> > > Alisa

> > > Mike Levans wrote:

> > >

> > > Misu,

> > > > Do we have any electronic version of triple play rating

> > > > label, shipping

> > > > label and O/M ?

> > > > or => Alisa, do we have (or can we make) an electronic

> > > > version of [REDACTED]

> > > > shipping lable for DDC shipment ?

> > > > Please advise...

> > > > ----- Original Message -----

> > > > Subject: Re:SuperScan Logo and Carton box drawing image

> > > > of19"super scan

> > > > triple play

> > > > Date: Thu, 26 Feb 2004 19:28:10 +0900

> > > > From: mizuka@itg.hitachi.co.jp

> > > > To: yuji.hidaka@hitachi-hta.com, mike.levans@hitachi-hta.com

> > > > CC: yoshino3@itg.hitachi.co.jp,

> > > > akira-nishimura@itg.hitachi.co.jp,aita@itg.hitach"super scan

> > > > triple play

> > > > Date: Thu, 26 Feb 2004 19:28:10 +0900

> > > > From: mizuka@itg.hitachi.co.jp

> > > > To: yuji.hidaka@hitachi-hta.com, mike.levans@hitachi-hta.com

> > > > CC: yoshino3@itg.hitachi.co.jp,

----- Original Message -----

Subject: Superscan Logo

Date: Thu, 09 Oct 2003 16:01:07 -0500

From: Anthony Duda <anthony.duda@hitachi-hhta.com>

Organization: Hitachi High Technologies America, Inc.

To: Mike Levans <mike.levans@hitachi-hhta.com>, Yuji Hidaka

<yuji.hidaka@hitachi-hhta.com>, Alisa Stolzman

<alisa.stolzman@hitachi-hhta.com>, "dennis.battaglia@hitachi-hhta.com"

<dennis.battaglia@hitachi-hhta.com>, Doug Kraneman

<doug.kraneman@hitachi-hhta.com>, Cheryl Ericksen

<cheryl.ericksen@hitachi-hhta.com>, "ilona.porebski@hitachi-hhta.com"

<ilona.porebski@hitachi-hhta.com>, Junichi Maeda

<junichi.maeda@hitachi-hhta.com>, Misu Masatsugu

<masatsugu.misu@hitachi-hhta.com>, Hiro

<hiroshi.shimazaki@hitachi-hhta.com>

CC: "Kobayashi, Shigehiko" <shigehiko.kobayashi@hitachi-hhta.com>

F Y I

attached Superscan logo.

Anthony

----- Original Message -----

Subject: [Fwd: 44723-SuperScan shipment]

Date: Thu, 18 Sep 2003 20:07:13 -0500

From: Masatsugu Misu <masatsugu.misu@hitachi-hhta.com>

Reply-To: masatsugu.misu@hitachi-hhta.com

Organization: Hitachi High Technologies America, Inc.

To: Yuichiro Kuno <kuno-yuichiro@nst.hitachi-hitec.com>

CC: "taki-tsutomu@nst.hitachi-hitec.com"

<taki-tsutomu@nst.hitachi-hitec.com>, "kawashima-tetsujiro@nst.hitachi-hitec.com"

<kawashima-tetsujiro@nst.hitachi-hitec.com>, "aoki-daisuke@nst.hitachi-hitec.com"

<aoki-daisuke@nst.hitachi-hitec.com>, "shishido-rieko@nst.hitachi-hitec.com"

<shishido-rieko@nst.hitachi-hitec.com>, Mike Levans

<mike.levans@hitachi-hhta.com>, Yuji Hidaka

<yuji.hidaka@hitachi-hhta.com>, Dennis Battaglia

<dennis.battaglia@hitachi-hhta.com>, Anthony Duda

<anthony.duda@hitachi-hhta.com>, Hiroshi Shimazaki

<hiroshi.shimazaki@hitachi-hhta.com>, Alisa Stolzman

<alisa.stolzman@hitachi-hhta.com>, Doug Kraneman

<doug.kraneman@hitachi-hhta.com>, Cheryl Ericksen

<cheryl.ericksen@hitachi-hhta.com>

(Kuno),

Please see below e-mail. [REDACTED] HQ sent e-mail to [REDACTED] Singapore.

I hope below e-mail solve the situation.

Best regards,

Misu

----- Original Message -----

Subject: 44723-SuperScan shipment

Date: Thu, 18 Sep 2003 17:41:46 -0500

From: [REDACTED] .com

To: [REDACTED]

CC: masatsugu.misu@hitachi-hhta.com

[REDACTED]

I received the attached email from Funai regarding this shipment. Would you please book the shipments for Sept 27 for 5328 pieces and Oct 4 for 6512 pieces.

Thank you.

Mary G. White

Requirements Analyst Televisions

[REDACTED]

Work: (847) 286-5902

Fax: (847) 286-4994

----- Forwarded by [REDACTED] Full-Line/[REDACTED] on 09/18/2003 05:38 PM

Shimazaki

Hiroshi

<hiroshi.shimazaki@hitac

To:

hi-hta.com>

cc:

Masatsugu Misu <masatsugu.misu@hitachi-hta.com>

Subject:

44723-SuperScan shipment

09/18/2003 09:02

AM

Good Morning!

I need to ask you a favor.

There seems to be a slight misunderstanding at Malaysia regarding the shipment of 44723 SuperScan 19" Triple Play.

When Funai tried to book the Oct 4th shipment, they were stopped by UPS with a message saying that [REDACTED] does not allow partial shipment. This occurred when Funai was trying to book the shipments destined to South Gate (RRC 420, 440, 446, 447 put together). The quantity is 11,840 pcs.

Funai tried to book 5,328pcs (18 containers) on Sep. 27th and the remaining 6,512pcs (22 containers) on Oct. 4th.

Even though both dates are within the shipping window Funai was not allowed to book them.

I believe this is merely a slight misunderstanding at [REDACTED] Singapore. So, would you kindly notify [REDACTED] Singapore that this kind of shipment is okay and approve them.

I'm sorry for causing you some trouble.

If you have any questions, please call me.
847-274-4341

Thank you very much for your help.

Best Regards,
Hiro

H000430

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

----- Original Message -----

Subject: [Fwd: Phase I: SuperScan logo]
Date: Fri, 27 Feb 2004 11:16:57 -0600
From: Anthony Duda <anthony.duda@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: Mike Levans <mike.levans@hitachi-hhta.com>

Please review and approve.

Anthony

----- Original Message -----

Subject: Phase I: SuperScan logo
Date: Fri, 27 Feb 2004 11:06:59 -0600
From: Debbie Byers <Debbie@FG2.com>
To: "Anthony Duda (E-mail)" <anthony.duda@hitachi-hhta.com>

Hi Anthony,
Enclosed please find Phase I of the SuperScan logo project. This is not the final deliverable.

Before we go on to save out final artwork and offer color suggestions, I'd like to make sure we've recreated the logo correctly. Will you look at this and let me know if the SuperScan logo has been created to your liking in terms of matching the SuperScan PPT slide you sent, and if the SuperScan Elite logo is what you were looking for. It was very hard to tell from the PPT what color the lines are that cross over the three "S's" but we gave it a shot. Let me know what you think.

If you think we're looking good, I can have final artwork to you by the end of the day.

If not, please feel free to offer your comments and I can make adjustments accordingly.

Also, just to let you know, I'm out of the office for meetings until about 1:30 EST.

Thanks,
Debbie

Debbie Byers
Creative Director
FG SQUARED
Integrated Marketing
1708 Guadalupe
Austin, TX 78701
Phone: 512.481.8831 x231

Fax: 512.481.8832
Email: debbie@fg2.com
www.fg2.com

<<SuperScan.jpg>> <<SuperScan_Elite.jpg>>

H000444

TRADE SECRET/COMMERCIALY
SENSITIVE MATERIAL

----- Original Message -----

Subject: [Fwd: RE: Phase I: SuperScan logo]
Date: Fri, 27 Feb 2004 15:57:55 -0600
From: Anthony Duda <anthony.duda@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: Mike Levans
<mike.levans@hitachi-hhta.com>, "dennis.battaglia@hitachi-hhta.com"
<dennis.battaglia@hitachi-hhta.com>, Misu Masatsugu
<masatsugu.misu@hitachi-hhta.com>, Hiro
<hiroshi.shimazaki@hitachi-hhta.com>

Color choices for Superscan logos.

Anthony

----- Original Message -----

Subject: RE: Phase I: SuperScan logo
Date: Fri, 27 Feb 2004 15:44:49 -0600
From: Debbie Byers <Debbie@FG2.com>
To: 'Anthony Duda' <anthony.duda@hitachi-hhta.com>

Hi Anthony,
Here are a few color options to ponder. We didn't feel it was a good idea to go too flashy because the nature of electronic product design needs to be fairly inconspicuous as they need to match with a variety of different types of decor.

Enclosed you will find three possible color samples as well as quick mock-ups of what they might look like on a product. Let me know if any of these options look good to you (or not) and we can figure out what type of final artwork to send to you.

Did everything work out with the other logo artwork?

Thanks,
Debbie

-----Original Message-----

From: Anthony Duda [mailto:anthony.duda@hitachi-hhta.com]
Sent: Friday, February 27, 2004 11:58 AM
To: Debbie Byers
Cc: Anthony Duda (E-mail)
Subject: Re: Phase I: SuperScan logo
Importance: High

Yes,

Its a go.

If possible could you send a copies over in the the Super Scan Logs at
Adbe Illustrator (ai) application to
create printing base before the end of the day today?

We then could review color options later.

Thanks,

Anthony

Debbie Byers wrote:

>
> Hi Anthony,
> Enclosed please find Phase I of the SuperScan logo project. This is not the final
deliverable.
>
> Before we go on to save out final artwork and offer color suggestions, I'd like to make
sure we've recreated the logo
> correctly. Will you look at this and let me know if the SuperScan logo has been created
to your liking in terms of
> matching the SuperScan PPT slide you sent, and if the SuperScan Elite logo is what you
were looking for. It was very
> hard to tell from the PPT what color the lines are that cross over the three "S's" but
we gave it a shot. Let me know
> what you think.
>
> If you think we're looking good, I can have final artwork to you by the end of the day.
> If not, please feel free to offer your comments and I can make adjustments accordingly.
>
> Also, just to let you know, I'm out of the office for meetings until about 1:30 EST.
>
> Thanks,
> Debbie
>
> Debbie Byers
> Creative Director
> FG SQUARED
> Integrated Marketing
> 1708 Guadalupe
> Austin, TX 78701
> Phone: 512.481.8831 x231
> Fax: 512.481.8832
> Email: debbie@fg2.com
> www.fg2.com
>

> <<SuperScan.jpg>> <<SuperScan_Elite.jpg>>
>

> -----
> Name: SuperScan.jpg
> SuperScan.jpg Type: JPEG Image (image/jpeg)
> Encoding: base64
>
> Name: SuperScan_Elite.jpg
> SuperScan_Elite.jpg Type: JPEG Image (image/jpeg)
> Encoding: base64
>

STANDARD
1000

----- Original Message -----

Subject: [Fwd: [Fwd: RE: [Fwd: Re: SuperScan Logo]]]
Date: Fri, 20 Feb 2004 16:05:44 -0600
From: Anthony Duda <anthony.duda@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: Mike Levans <mike.levans@hitachi-hhta.com>

Mike,

have you had the chance to review the attached quote for the SuperScan logo creation quote from FG2?

I had suggested we may want to do the logo in a color-FG2 will advise what colors looks best.

Thanks

Anthony

----- Original Message -----

Subject: RE: [Fwd: Re: SuperScan Logo]
Date: Fri, 13 Feb 2004 15:06:14 -0600
From: Debbie Byers <Debbie@FG2.com>
To: 'Anthony Duda' <anthony.duda@hitachi-hhta.com>

Hi Anthony,

Enclosed you will find our estimate to recreate the SuperScan logos as noted in your spec below. I will be in the office the rest of the day and of course all next week if you have any questions.

In terms of timeline, we are available to start this as soon as Monday if you'd like.

Have a great weekend!

Regards,
Debbie

-----Original Message-----

From: Anthony Duda [mailto:anthony.duda@hitachi-hhta.com]
Sent: Wednesday, February 11, 2004 10:09 AM
To: Debbie Byers
Subject: [Fwd: Re: SuperScan Logo]

Hello Debbie,

I work for Electronics Products Division (EPD) of Hitachi High

Technologies.

We are introducing a new line of products for sale into retail stores.

Attached are files of logos that we are currently using.

Below is the directive for our senior management as what we require for the logos.

Please review and lets discuss the possibilities.

I can be reached a 847-273-4339 or reply by the email.

Thanks for your assistance.

Anthony Duda
Hitachi High Technologies

We need to get a professional to create SuperScan logos with the "Advantage you can clearly see" tag line... The original was developed by a marketing company in Boston that is no longer in business... We need high resolution and low resolution images...

Also, we need one that says "SuperScan Elite" to be created for future use...

Please find out who can do this and what it will cost...

Attached are the only logos we have and the one with the tag line is currently just a scanned image from an old paper copy... Therefore, we need this to be recreated from scratch and delivered to us in both high resolution and low resolution formats...

FG SQUARED Integrated Marketing

PROPOSAL

Hitachi High Technologies America, Inc.
Electronic Products Division
SuperScan[®] Logo Recreation

Project Description

In the course of this project, FG SQUARED will complete the following:

- Leverage the existing SuperScan[®] source artwork (EPS file) to:
 - Create new source artwork for the version of the SuperScan[®] logo with the tagline: "Advantage you can clearly see".
 - This artwork will be created to exactly match an existing logo sent to FG SQUARED by HTA.
 - Create new source artwork for a new version of the SuperScan[®] logo that reads "SuperScan[®] Elite".
- FG SQUARED will also suggest a color version for each of the logos.

Project Deliverables

FG SQUARED will deliver the following final formats of both logos to HTA:

- Source artwork: EPS file containing vector graphics
- High resolution TIFF image (RGB, CMYK)
- Low resolution JPG (RGB) and GIF images

Project Schedule

We estimate the project will be completed as early as Wednesday, February 18, 2004.

Estimated Project Price

Option A: The fixed estimate for the project is \$600 (no sales tax as this is an out-of-state project).

Option B: If you are interested in contracting us on an hourly basis instead, our rates are as follows:

Project management = \$150/hr

All other production services = \$100/hr

FG SQUARED Integrated Marketing

Thank You

Thank you for taking the time to review this proposal. You can rely on FG SQUARED to deliver a cost-effective and sensible solution. If you have any questions or concerns regarding this proposal, please call me.

Sincerely,

Debbie Byers, Creative Director
FG SQUARED Integrated Marketing
1708 Guadalupe
Austin, TX 78701
512.481.8831 x. 231

----- Original Message -----

Subject: [Fwd: RE: [Fwd: Re: SuperScan Logo]]
Date: Fri, 13 Feb 2004 16:58:52 -0600
From: Anthony Duda <anthony.duda@hitachi-hhta.com>
Organization: Hitachi High Technologies America, Inc.
To: Mike Levans <mike.levans@hitachi-hhta.com>
CC: Yuji Hidaka
<yuji.hidaka@hitachi-hhta.com>, "dennis.battaglia@hitachi-hhta.com"
<dennis.battaglia@hitachi-hhta.com>

Mike,

see attached quote from FG2 to recreate the SuperScan logo.

I had suggested we may want to do the logo in a color-FG2 will advise what colors looks best.

Anthony

----- Original Message -----

Subject: RE: [Fwd: Re: SuperScan Logo]
Date: Fri, 13 Feb 2004 15:06:14 -0600
From: Debbie Byers <Debbie@FG2.com>
To: 'Anthony Duda' <anthony.duda@hitachi-hhta.com>

Hi Anthony,
Enclosed you will find our estimate to recreate the SuperScan logos as noted in your spec below. I will be in the office the rest of the day and of course all next week if you have any questions.

In terms of timeline, we are available to start this as soon as Monday if you'd like.

Have a great weekend!

Regards,
Debbie

-----Original Message-----

From: Anthony Duda [mailto:anthony.duda@hitachi-hhta.com]
Sent: Wednesday, February 11, 2004 10:09 AM
To: Debbie Byers
Subject: [Fwd: Re: SuperScan Logo]

Hello Debbie,

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Technologies.

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Anthony Duda
Hitachi High Technologies

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Also, we need one that says "SuperScan Elite" to be created for future use...

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FG SQUARED Integrated Marketing

PROPOSAL

Hitachi High Technologies America, Inc.
Electronic Products Division
SuperScan[®] Logo Recreation

Project Description

In the course of this project, FG SQUARED will complete the following:

- Leverage the existing SuperScan[®] source artwork (EPS file) to:
 - Create new source artwork for the version of the SuperScan[®] logo with the tagline: "Advantage you can clearly see".
 - This artwork will be created to exactly match an existing logo sent to FG SQUARED by HTA.
 - Create new source artwork for a new version of the SuperScan[®] logo that reads "SuperScan[®] Elite".
- FG SQUARED will also suggest a color version for each of the logos.

Project Deliverables

FG SQUARED will deliver the following final formats of both logos to HTA:

- Source artwork: EPS file containing vector graphics
- High resolution TIFF image (RGB, CMYK)
- Low resolution JPG (RGB) and GIF images

Project Schedule

We estimate the project will be completed as early as Wednesday, February 18, 2004.

Estimated Project Price

Option A: The fixed estimate for the project is \$600 (no sales tax as this is an out-of-state project).

Option B: If you are interested in contracting us on an hourly basis instead, our rates are as follows:

Project management = \$150/hr

All other production services = \$100/hr

FG SQUARED Integrated Marketing

Thank You

Thank you for taking the time to review this proposal. You can rely on FG SQUARED to deliver a cost-effective and sensible solution. If you have any questions or concerns regarding this proposal, please call me.

Sincerely,

Debbie Byers, Creative Director
FG SQUARED Integrated Marketing
1708 Guadalupe
Austin, TX 78701
512.481.8831 x. 231

Opposition No. 125,458

Mark: SuperScan Elite

Serial No.: 76/208,230

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Opposser's Opposition to Applicant's Motion for Protective Order

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR PROTECTIVE ORDER** is being deposited with the United States Postal Service, first class postage prepaid, in an envelope addressed to William T. McGrath, Davis, Mannix & McGrath, 125 South Wacker Drive, Suite 1700, Chicago, Illinois 60606 on May 6, 2004.

Marlene Barnes